



DOGAMI ID#: 07-0156

Permittee: Ron Rhoden
 Site Name: Rhoden Site
 Photo Source: Eagle Digital Imaging 5/12/2014
 Prepared By: E. Buchner 10/3/2014

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the suitability of the information.

ArcGIS v10.2
 Oregon Lambert Projection, NAD 1983 HARN (EPSG# 2994)
 S:\07Crook\07-0156\07-0156 Aerials & Maps\07-0156 GIS Aerial 2014.jpg



Oregon Dept. of Geology and Mineral Industries
 Mineral Land Regulation and Reclamation Program
 229 Broadalbin St. SW
 Albany, OR 97321



Oregon

John A. Kitzhaber, MD, Governor

Department of Geology and Mineral Industries

Mineral Land Regulation and Reclamation

229 Broadalbin Street SW

Albany, OR 97321-2246

(541) 967-2039

Fax: (541) 967-2075

www.oregongeology.org

September 29, 2014

Memo

TO: Ron Rhoden
PO Box 460
Prineville OR 97754

MLRR ID NO: 07-0156

FROM: Ben Mundie, Reclamationist

SUBJECT: Site Visit, File Closure

Site: Rhoden Site

I met with Ron Rhoden, landowner, Barrie Durfee and Scott Carlson of Hooker Creek Sand & Gravel, on site on September 23, 2014. The purpose of the meeting was to document site conditions in anticipation of file closure. Hooker Creek S & G was the operator.

The site was permitted in 2012, with the intent of a one time removal project. The property is zoned industrial and will be developed for industrial use.


The operating and reclamation plan called for final excavated slopes of 1½H:1V and a level pit floor suitable for future development.

The final slopes are 2H:1V or flatter and the pit floor is level. Revegetation was not required.

Mr. Rhoden is fully satisfied with the condition of the property. It is recommended this file be closed and the reclamation security released.

By copy of this memo, we are notifying Travelers Casualty & Surety Co. of America that Performance Bond #105787728, executed June 26, 2012, with Ron Rhoden as principal, may be released effective upon receipt of this memo. All obligations to the State of Oregon have been fulfilled, and the file has been closed.

File closed by:


Gary W. Lynch
Assistant Director

Date

10-9-14

Reclaimed Acres		
Post-Mine Use	# of Acres	✓ if Voluntary
Agriculture		
Anadromous Fish Habitat		
Forestry		
Housing/Construction		
Industrial	13.20	
Open Space/Range		
Recreation		
Wildlife/Wetlands		

Non-Reclaimed Acres	
Other	✓ Reason
Application Withdrawn	
Application not Renewed	
Never Mined	

Returned to:	# of Acres
Exempt (forest pit)	
Unregistered TE	

Total Acres Reclaimed: 20

c: Crook County Planning Dept.
Travelers Casualty & Surety Co. of America

Routing:
☒ Ben M.
☒ Vaughn
☒ Ted
☒ Gary



DOGAMI ID#: 07-0156

Permittee: Ron Rhoden
Site Name: Rhoden Site

Photo Source / Date: Bing Maps / 7-8-2011
Prepared By / Date: E. Buchner / 7-24-2013

File Name: S:\07Crook\07-0156\07-0156 Aerials & Maps\07-0156 GIS PermitBoundary 2013.jpg

**Oregon Dept. of Geology and Mineral Industries
Mineral Land Regulation and Reclamation Program**

This aerial image and map may contain minor distortions and/or errors and should not be used in place of a detailed site survey or for legal purposes.



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April 2, 2014

Ron Rhoden
PO Box 460
Prineville OR 97754

RE: DOGAMI MLRR ID 07-0156, Rhoden Site

Dear Permittee:

DOGAMI received your check number 1165 (enclosed) in the amount of \$995 along with the renewal form for the above referenced permit.

Hooker Creek submitted renewal for this permit using the 2nd notice you received last year, received by DOGAMI on March 25, 2014.

This permit will next be due for renewal on June 30, 2014. That renewal notice will be sent out approximately mid-May.

If you have any questions, please call me between 8 am and noon at (541) 967-2042.

Sincerely,

Cathy Cross
Office Specialist
Mineral Land Regulation & Reclamation

Encl.



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March 27, 2014

Ron Rhoden
PO Box 460
Prineville OR 97754

Compliance Notice

RE: DOGAMI MLRR ID 07-0156

Dear Permittee,

Thank you for completing the tasks listed in the Notice of Violation issued on September 4, 2013.

This is your official notice that you are now in compliance with OAR 632-030-0040.

Thank you for your cooperation.

Sincerely,

Gary W. Lynch
Assistant Director
Mined Land Reclamation

c: Crook County Planning Department



Oregon

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Mineral Land Regulation and Reclamation
229 Broadalbin Street SW
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TO:

Travelers Casualty & Surety Co. of America
2045 Cardinal Ave. Ste. 300
Medford OR 97504

) NOTICE OF INTENT TO RECOVER AGAINST

-) Performance Bond No. 105787728
-) Permittee: Ron Rhoden
-) DOGAMI ID. No. 07-0156
-) Section 23, Township 14S, Range 15E, Crook County
-) Site Name: Rhoden Site

DOGAMI hereby notifies Travelers Casualty & Surety Co. of America of the intent to recover the Performance Bond No. 105787728 for this site as allowed by ORS 517.865 for the property referenced above. The bond will be called based on the failure to renew Permit No. 07-0156.

The permittee has the option of correcting the item listed above to prevent the department from recovering the bond. If these actions are not completed by March 31, 2014, this department will place a demand on the Performance Bond in order to reclaim the site as provided by ORS 517.865. If the amount of the Performance Bond is insufficient to complete the required reclamation, a lien may be placed on the property.

Issued March 13, 2014

By 
Gary W. Lynch
Assistant Director

Contact Ben Mundie at (541) 967-2149 or ReNeea Gordon at (541) 967-2040, if you have questions about this order.

cc: Ron Rhoden
Crook County Planning Department

CERTIFIED MAIL

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <u>KDD</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> TRAVELERS CASUALTY & SURETY CO. OF AMERICA 2045 CARDINAL AVE. STE. 300 MEDFORD OR 97504 ID NO. 07-0156 NOI: 03/13/2014 </div>		B. Received by (Printed Name) <u>KDD</u> C. Date of Delivery <u>3-18-14</u> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from) <u>7006 0100 0006 3856 8844</u>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes Domestic Return Receipt 102595-02-M-1540	

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PS Form 3800, June 2002
See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <div style="display: flex; align-items: center;"> X <div style="margin-left: 10px;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div> </div> </p> <p>B. Received by (Printed Name) C. Date of Delivery <div style="display: flex; align-items: center;"> Daria Rhoden <div style="margin-left: 10px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> </div> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0; text-align: center;"> RON RHODEN PO BOX 460 PRINEVILLE OR 97754 07-0156 NOV 09/04/13 </div>	<p>3. Service Type</p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input checked="" type="checkbox"/> Certified Mail </div> <div style="width: 50%;"> <input type="checkbox"/> Express Mail </div> <div style="width: 50%;"> <input type="checkbox"/> Registered </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> Return Receipt for Merchandise </div> <div style="width: 50%;"> <input type="checkbox"/> Insured Mail </div> <div style="width: 50%;"> <input type="checkbox"/> C.O.D. </div> </div> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. A (7) 7013 1710 0002 3803 1302</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

7013 1710 0002 3803 1302

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PS Form 3800, August 2006

See Reverse for Instructions



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John A. Kitzhaber, MD, Governor

Department of Geology and Mineral Industries
Mineral Land Regulation and Reclamation
229 Broadalbin Street SW
Albany, OR 97321-2246
(541) 967-2039
Fax: (541) 967-2075
www.oregongeology.org

TO:

Ron Rhoden
PO Box 460
Prineville OR 97754

) **NOTICE OF VIOLATION & COMPLIANCE SCHEDULE**
) **ORS 517.860**
)
) DOGAMI ID No. 07-0156
) Section 23, Township 14S, Range 15E, Crook County
) Site Name: Rhoden Site

This notice is to inform you that your surface mining operation referenced above is in violation of OAR 632-030-0040. Annual Report and Renewal Notices were mailed to you on May 17, 2013 and on July 18, 2013.

To bring this site into compliance and to correct the violation, payment of the annual fee and return of the completed and signed annual report form are needed.


You were also advised on December 17, 2012 that a surveyed site map is required for this site. Reminders were sent in July 2013. To date, we still have not received the required site map.

The above tasks must be completed by September 20, 2013. You may request an extension to the required completion date for bringing this site back into compliance, but the department will grant an extension only if it is determined that there has been reasonable effort and progress toward meeting the schedule outlined above.

If you fail to comply with this Notice of Violation and Compliance Schedule, the department intends to take enforcement action against you. This may include, but is not limited to, recovery of the Performance Bond for this site, issuance of a Suspension Order, or the assessment of civil penalties for the violation of this order. If the department elects to recover the Performance Bond, the funds will be used to reclaim the property as provided in ORS 517.865. If this amount is insufficient to complete the reclamation as outlined in the Reclamation Plan, a lien may be placed against the property to cover any deficiencies.

Issued September 4, 2013

By


Gary W. Lynch
Assistant Director

Contact ReNeea Gordon, Office Manager, at (541) 967-2040 if you have questions about this order.

cc: Crook County Planning Department

CERTIFIED MAIL

Opportunity for a Contested Case Hearing

You have the right to a hearing to contest this Order. The hearing, if requested, will be conducted according to the Administrative Procedures Act, ORS chapter 183. To have a hearing, you must file a **written** Request for Review with the State Geologist **within twenty (20) days from the date this Order was served on you or mailed to you**. The State Geologist will have the opportunity to review and resolve the situation informally pursuant to OAR 632-030-0056. If the State Geologist declines review, fails to provide you with a written decision within 20 days, or if the proposed informal resolution is not acceptable to you, the matter will be referred to a hearing officer and a contested case hearing will be scheduled. Your request for review must include a **written "Answer" to the allegations contained in the Order**. In the Answer, you must admit or deny each allegation of fact contained in the Order and set out any and all affirmative defenses to the violations alleged in the Order. Except for good cause shown, matters not denied in the Answer will be presumed admitted and the failure to raise a claim or defense will be presumed to be a waiver of such claim or defense. The Request for a Hearing and the Answer must be delivered to: **229 Broadalbin Street SW Albany OR 97321**. If the matter is not resolved informally by the State Geologist as described above, you will be notified of the date, time, and place of the hearing. You will also be given information on the procedures, rights of representation and other rights of parties relating to the conduct of the contested case hearing. The Department has designated its files on this matter as the record in this case for the purpose of proving a prima facie case upon default. If you do not file a timely Request for Hearing and Answer, the Order will become final 22 days after the date it was personally served on you or mailed to you. If the Order becomes final in this manner, you will have the right to appeal the order to the Oregon Court of Appeals under ORS 183.482. To appeal you must file a petition for judicial review with the Court of Appeals within 82 days of the date this Order was served on you or mailed to you. If you do not file a petition for review within this time, you will lose your right to appeal.

Ben Mundie

From: Barrie Durfee [bdurfee@hookercreek.net]
Sent: Monday, July 22, 2013 8:33 AM
To: Ben Mundie
Subject: RE: question

OK Ben, Thank you. I just sent what I had in my files. I will help push to get what you need. Thank you so much for all you help, Barrie.

From: Ben Mundie [mailto:ben.mundie@mlrr.oregongeology.com]
Sent: Monday, July 22, 2013 8:32 AM
To: Barrie Durfee
Subject: RE: question

Good morning Barrie – The Rhoden site is required to submit a site map with surveyed coordinates at the DOGAMI permit boundary corners. A temporary operating permit was issued to allow development to begin. The survey map is still needed to complete the application process. Maps were originally submitted by Kilpatrick Designs which did not include the coordinates. Copy attached. The coordinates may be obtained with a hand held GPS unit.

Thanks for your help on his project.

Ben Mundie
DOGAMI
541-967-2149

From: Barrie Durfee [mailto:bdurfee@hookercreek.net]
Sent: Monday, July 22, 2013 8:06 AM
To: Ben Mundie
Subject: FW: question

Ben, This is what we have on File. Not sure if this is everything you need. I will also be sending one more sheet.

From: Ron Rhoden [mailto:rrhoden@live.com]
Sent: Sunday, February 03, 2013 8:15 PM
To: Barrie Durfee
Subject: FW: question

Morning Mr. Durfee, Craig had the geo-tech report in his data base so do not worry about getting any new ones. Just print this and we all have them. I would like copies of the prints from w&h pacific if you can get them. Hope this saves a little time and money. Let's have lunch when you have time. Ron

Date: Thu, 31 Jan 2013 12:56:09 -0800
From: ckrimrock@yahoo.com
Subject: Re: question
To: rrhoden@live.com

No problem, here you go. Attached for your files.

CK

Ben Mundie

From: Ben Mundie
Sent: Friday, July 19, 2013 9:34 AM
To: 'Scott Carlson'
Subject: Rhoden DOGAMI ID No. 07-0156

Good morning Scott - The Ron Rhoden site over on Lamonta Road never had the 20 acre DOGAMI permit survey boundary map submitted. Again this can be obtained using a hand help GPS unit to get the coordinates on the boundary corners. Is this something Hooker Creek can get for Mr. Rhoden or should I contact him directly?

Thanks

Ben Mundie
DOGAMI
541-967-2149

Ben Mundie:

From: Steve Niemela [steve.a.niemela@state.or.us]
Sent: Wednesday, January 09, 2013 10:13 AM
To: ben.mundie@state.or.us
Subject: DOGAMI ID No. 07-0156

I have reviewed this application for wildlife concerns. The site is not in documented in winter range or near any documented sensitive nest sites. The project should have minimal impact to terrestrial wildlife species.

Steve Niemela
District Wildlife Biologist
ODFW Prineville Field Office
2042 SE Paulina Hwy
Prineville, OR. 97754
O: 541-447-5111
F: 541-447-8065

ReNeea Gordon

From: ReNeea Gordon
Sent: Monday, December 17, 2012 5:04 PM
To: Scott Carlson
Cc: Ben Mundie
Subject: FW: DOGAMI Operating Permit App 07-0156 - FOR YOUR REVIEW
Attachments: 07-0156 circ 12-17-12 memo.pdf; 07-0156 app 06-19-12 page 1.pdf; 07-0156 rec plan 06-19-12.pdf; 07-0156 site maps 06-19-12.pdf

Dear Scott,

We understand you are the operator for the Rhoden site, currently covered by a Temporary Operating Permit, expiring January 31, 2013. We still require site map(s) that are surveyed and stamped by an Oregon licensed surveyor in order to complete the permitting process for a regular annual Operating Permit.

Attached are the documents sent to the other natural resource agencies for review of Ron Rhoden's application. *Please carefully review the memo written by our technical staff.* It contains information pertaining to possible additional requirements by other agencies, and proposed permit conditions. Please contact the reclamationist if you have questions about the content of the memo.

Please relay the contained and attached information to Mr. Rhoden. If we need to send him copies via regular mail, please let us know.

Thank you for your assistance and cooperation in permitting this site.

ReNeea Gordon

Acting Office Manager & Permit Coordinator
Oregon Department of Geology & Mineral Industries
(541) 967-2051

 **Please consider the environment - do you really need to print this email?**

From: ReNeea Gordon
Sent: Monday, December 17, 2012 4:42 PM
To: 'Ivan Gall'; 'Jon Germond'; 'Karen Quigley (karen.m.quigley@state.or.us)'; 'Marc Norton'; 'Nancy Pustis'; 'Paul Measeles'; 'Shawn Zumwalt'; 'bill.zelenka@co.crook.or.us'; 'MESSINA Frank'; 'RATLIFF.Krista@deq.state.or.us'; 'brian.t.ferry@state.or.us'
Cc: Ben Mundie
Subject: DOGAMI Operating Permit App 07-0156 - FOR YOUR REVIEW

Good Afternoon!

Please review the attached documents regarding an application for an Operating Permit. If you have any difficulties with the attachments or questions about the permitting process, please let me know.

Thank you!

ReNeea Gordon

Acting Office Manager & Permit Coordinator
Oregon Department of Geology & Mineral Industries
(541) 967-2051



Oregon

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December 17, 2012

TO: Reviewing Agencies
FROM: Ben Mundie, Reclamationist
RE: DOGAMI ID No. 07-0156

An application for an operating permit in Crook County has been submitted to DOGAMI by Ron Rhoden. Please review application materials and provide comments to DOGAMI by **January 10, 2013**. Contact Ben Mundie at 541-967-2149 or ben.a.mundie@mlrr.oregongeology.com with questions or comments.

SITE LOCATION

This site is located 3 miles northwest of Prineville. Access is via Highway 26 west from Prineville to Bus Evans Road. Turn right and proceed north ¼ mile to Elliott Lane. The access road to the excavation site is located just north of where Bus Evans Road becomes Elliott Lane. The site is visible from the road.

LAND USE

This site is zoned industrial with mine excavation as an allowed use. Crook County approved a site plan review in July 2010. DOGAMI issued a Temporary Operating Permit in July 2012, to allow development to begin.

SITE CONDITIONS

DOGAMI conducted an on-site visit in June 2012. There are two excavation areas proposed for mining activity. The northern site is a relatively level 5-acre area in tax lot 606 that has been used for log storage for many years. The southern site is a 4-acre area in tax lot 600 that is adjacent to the existing Hooker Creek aggregate operation, DOGAMI ID #07-0135.

Within the northern excavation area, soils have been previously disturbed. At the southern site, soils are described as the Ochoco-Prineville complex with an A horizon of less than 8 inches in thickness. Existing vegetation is sparse bunch grasses and weeds.

There are no surface water features within the proposed permit boundary. According to the WRD on-line well log database, there are numerous water and monitoring wells located within section 23. Within 700 feet of the northern excavation area, there are several residences with water wells to the north and businesses to the east. The static water level reported for the closest off-site well in tax lot 604, which is adjacent to tax lot 606 is listed as 60 feet below ground surface. The depth of the proposed excavation will be limited to a maximum of 20 feet, leaving a 40-foot thick buffer to the underlying aquifer. No impacts to the groundwater resource are anticipated.



NOTE

MINING AND RECLAMATION PLAN

This project will be a removal operation conducted over two years. No blasting is required. Material will be ripped with a dozer, excavated with an excavator and loaded onto trucks. No processing will occur on site. All excavated material will be hauled to the Hooker Creek facility in Lone Pine.

Excavated slopes will be maintained at 1½H:1V or flatter. The excavation will not exceed 30 feet in depth from the original ground elevation of approximately 2,909 feet AMSL. The pit floor will be left level with a veneer of gravel at the existing elevation of the access road from Elliott Lane, approximately 2,880 feet AMSL. The operating and reclamation plan submitted states in Section 6 that the depth of mining will be 17 – 18 feet below original ground surface. This is incorrect, based on an estimate in the change in actual elevation. The DOGAMI permit will be conditioned to limit the depth of excavation to 30 feet below original ground surface or an elevation of 2,880 feet AMSL.

This site will be internally drained. No off-site discharge of stormwater is anticipated. A DEQ NPDES 1200-A permit will not be required at this time. However, the operator must ensure internal drainage is maintained through the life of the operation.

No processing is proposed or will be allowed under this permit action. No process water will be generated during this project. Dust generated by mining-related activities will be suppressed and managed with the use of BMP's.

Groundwater will not likely be encountered. Dewatering of the excavation will not be required and is not allowed under this permit.

Reclamation will be to industrial use, which is compatible with the current zoning. Reclamation will entail leaving the excavated slopes at 1½H:1V or flatter, and the pit floor relatively level for future industrial development. Revegetation of the pit floor will not be required; however, seeding of the slopes in a cover crop to reduce weed infestation will be required by DOGAMI permit condition.

To operate a Rock Crusher, Ready-Mix Plant or Asphalt Plant in the State of Oregon, the plant may be required to have an Air Contaminate Discharge Permit from the DEQ, depending on the production; refer to the DEQ website to contact the regional DEQ office. Also note that aggregate operations can generate dust and DEQ rules require controlling visible emissions with the use of water. Associated aggregate activities such as truck and vehicle equipment traffic can cause dust and noise. Please plan and implement quarry activity so it does not impact the community; suggested actions include use of water to keep the dust from blowing and construction of a berm around noisy activities to prevent noise problems.

Contact Oregon Water Resources Department for processing, dust suppression, or any other beneficial use of water; refer to the DWR website for a map of watermaster districts and contact information.

RECLAMATION SECURITY

Reclamation security in the amount of \$11,000 for 5 acres of disturbance has been submitted. This reclamation security amount is deemed adequate for the level of reclamation liability. Reclamation security may be increased as the site expands or liability increases.

PROPOSED PERMIT CONDITIONS

Approval of this application is recommended with the following DOGAMI permit conditions. These permit conditions may be modified after review by other natural resource agencies and, if approved as stated, will supersede the existing temporary permit conditions.

The Permittee must:

1. Survey and clearly mark the DOGAMI permit boundary in the field and the 50-foot setback between the excavation and property lines.
2. Maintain 1½H:1V excavated slopes.
3. Limit the depth of the excavation to 30 feet below the original ground elevation. The pit floor may not exceed the existing elevation of the access road, or approximately 2,880 feet AMSL.
4. Not conduct any processing at the site.
5. Seed all final slopes in a cover crop.
6. Not conduct pit dewatering without amending the DOGAMI permit.
7. Manage dust generated from mining related activities by employing standard BMP's.
8. Agree that if mining operations disturb any area outside of the permit area or area designated for active mining in the reclamation plan, including but not limited to disturbances caused by landslide, erosion or fly rock, the operator must restore the disturbed area to a condition that is comparable to what it was prior to the disturbance. Further, if areas outside of the permit boundary or outside of the area proposed for active mining in the reclamation plan are disturbed, DOGAMI may increase the amount of the required financial security to cover the cost of such restoration.
9. Implement BMP's to prevent groundwater and surface water contamination from your mining operations by containing process water and stormwater runoff on site. Obtain DEQ WPCF 1000 general permit coverage to dispose of process water by evaporation or seepage in ponds or by irrigation. Do not discharge process wastewater to surface waters unless DEQ has issued an individual NPDES permit to allow such discharge. Obtain DEQ NPDES 1200-A general permit coverage when stormwater from the mining operation and haul roads drains to surface waters.

Attachments: Operating Permit Application Page 1
 Operating and Reclamation Plan
 Site Plan Map

MUCH OF THE INFORMATION REQUESTED CAN BE EXPLAINED ON THE MINE PLAN MAP.

The map must be a stamped survey from a Professional Land Surveyor on a topographic base map. Surveyed coordinates must be supplied. See *Guide to Surveying and Marking*.

Map Requirements Include (but are not limited to)

1. Scale (1" = 100' to 500')
2. North arrow
3. Appropriate legal description(s) and tax lot numbers, etc.
4. Permit boundary (must be labeled)
5. Location of plant, office, and maintenance facilities
6. Locations of all intermittent water courses, perennial streams, springs, wetlands, and wells
7. Present mine areas and future mining blocks
8. Areas for topsoil and overburden storage or spoil locations, including berms
9. Location of all proposed access roads
10. All property lines within 500' of the permit boundary
11. Location of processing and stockpile areas, plus visual and sound berms or screens
12. Setbacks from property lines, streams, etc.
13. Utility poles, gas line rights-of-way, etc.
14. Storage location of chemicals and petroleum products
15. Date of map preparation and name of the person preparing map

Pre- and post-mining cross-sections of the land surface may be required.

1. PRE-MINE CONDITIONS

- a) Current land use and zoning H-M Heavy Industrial
- b) Average depth of topsoil 12"
- c) Type and density of vegetation Sparsely weedy
- d) Are there any springs, seeps, intermittent or perennial streams on or near the site? ☐ yes ☒ no
If yes, list here and locate on mine plan map.
- e) Has a wetland delineation been completed? ☐ yes ☒ no
If yes, attach report.
- f) Has a landslide investigation been completed on this property? ☐ yes ☒ no
If yes, attach report.

2. POST-MINING LAND USE

- a) What is the planned post-mining beneficial use of the permit area?

- ☐ Agriculture The property will be
☐ Range/Open Space leveled and reclaimed
☐ Forestry for the future development
☐ Housing/Construction of an industrial park
☐ Wildlife/Wetland appropriate to current
☐ Recreation zoning.
☒ Other _____

The post-mining use must be compatible with the local comprehensive plan or have specific land-use approval. For significant aggregate sites zoned for mining, local government must determine the post-mining land use.

3. RECLAMATION TIMING

- a) How many days after mining is completed will reclamation begin? _____

OR

- b) If reclamation will be concurrent with mining, explain the procedure for concurrent reclamation.

Reclamation will be completed with
dozer as mining is on-going.

4. OPERATING PLAN

- a) Mining method(s) to be employed (mark all that apply):
☒ single bench ☐ multiple bench ☐ pond excavation
☐ placer mine ☐ side hill cut ☒ hill top removal
☐ other: _____

- b) Equipment to be used for mining:
Dozer, excavator and loader.

- c) Will there be on-site processing? ☐ yes ☒ no
If yes, check type of processing:
☐ wash water contained in a closed system
source of water: _____

☐ wash water discharged off site

☐ dry processing

☐ other: _____

- d) Will blasting be employed? ☐ yes ☒ no

- e) Distance to closest structure not owned by permittee.

500'

- f) Disposition of removed vegetation.

Lot cleared of vegetation.

- g) Soil types which will be disturbed by mining, processing, or reclamation.

Top soil, clay, rock.

- h) Average soil salvage depth

12"

- i) Overburden removal depth 1' - 3"
- j) Will soil, overburden, rock waste or crusher reject dumps or stockpiles be created during mining?..... ☐ yes ☒ no
If yes, list the estimated volume of each at the end of this form and locate on a mine plan map.

Additional information may be required for large dumps or those located on steep terrain.

- k) Will this plan require excavating across any property lines?..... ☐ yes ☒ no

- l) How and where will soil or subsoils be stored for reclamation? Locate storage areas on mine plan map.

Stockpiled along north boundary

- m) What measures will be taken to reduce compaction and prevent water and wind erosion of the topsoil stockpiles and when will they be implemented?

Water temporary stock piles

- n) What will be the minimum property line setback:

for the excavation 50'

for processing or storage 25'

5. WATER RESOURCE PROTECTION

- a) Will mining occur below groundwater level? ... ☐ yes ☒ no

- b) Will mine site dewatering be necessary? ☐ yes ☒ no

If yes, explain procedure and estimated depth to which water will be drawn down inside of the mine and where water will be discharged.

WRD

A permit may be required from the Water Resources Department for dewatering activity.

- c) Will process water be contained on site? ☒ yes ☐ no

- d) Will storm water be contained on site? ☒ yes ☐ no

- e) Will a pond(s) be used to contain water? ☐ yes ☒ no

Explain containment procedures.

No site processing, no use of water

If the answer to c) or d) is no, please explain discharge procedures.

No process water to be used

A permit from the Department of Environmental Quality may be required for off-site discharges and is required for any discharge into public waters, wetlands, streams or lakes. Contact DOGAMI for these permits.

- f) Will any drainages/streams be relocated?..... ☐ yes ☒ no
If yes, complete Section 11.

- g) What will be the minimum undisturbed setback(s) of the operation from all stream(s) or drainage(s)?

DEQ

List the name of stream(s) or drainage(s) and setback from each at the end of this form and locate on a mine plan map.

- h) How will the buffer(s) be identified and protected during mining and reclamation?

Marker posts

- i) Describe methods employed to control erosion in the permit area. Be specific, i.e., seeding and mulching, sediment basins or ponds, contour ditching, waterbars, etc.

Seeding of reclaimed slope where needed

- j) Will settling ponds/dams be constructed? ☐ yes ☒ no
State the number and size of the impoundment(s) and how they will be built. Will the pond be excavated or will berms be constructed? *Locate on a mine plan map.*

N/A

- k) If dams will be constructed, how high will they be and what is the maximum amount of water (in acre feet) to be impounded behind each dam?

N/A

WRD

If a dam is higher than 10 feet, and stores more than 9.2 acre feet of water, approval from the Water Resources Dept. is required prior to construction.

- l) If berms or a dam will be constructed, describe construction details and attach a sketch showing construction methods.

N/A

- m) How deep will impoundment(s) be? N/A

- n) If the impoundment(s) are to be removed upon completion of mining, how will they be drained and/or filled?

N/A

- o) Will settling ponds, wetlands, or a water impoundment be left upon final reclamation? ☐ yes ☒ no

6. GROUNDWATER INFORMATION

- a) Proposed mine depth 17' - 18'
- b) Groundwater depth 100'+
(Under static (pre-mine) conditions)
- c) What is groundwater depth estimate based on?
Wells in area
- d) Flow direction of groundwater; if known. unknown
- e) Distance to closest well outside the permit boundary.
500'

*Wells within permit area must be shown on mine plan map.
Attach a copy of the well log(s).*

7. VISUAL AND NOISE SCREENING

Screening can be very effectively employed to isolate sites from public notice and to minimize noise from operations.

- a) Does a natural landform or vegetative screen currently exist along the permit boundary? ☐ yes ☒ no
If yes, what screen width will be maintained during mining?

- b) Will a berm and/or vegetation be established to develop a visual screen for the operation? ☐ yes ☒ no
If yes, describe the height and width of the berms and/or the type and density of vegetation; show location on mine map.

(Crushed rock stockpiles, although not permanent, can also be used to reduce noise from the operation.)

8. EQUIPMENT AND STRUCTURES REMOVED

- a) Upon final reclamation, will all structures, visual berms, equipment, and refuse be removed?..... ☒ yes ☐ no
If no, explain what will be left.

9. RECLAMATION TECHNIQUES

- a) What will be done with oversized rock not used during mining?

No oversized rock

- b) What will be the average depth of soil replaced on the area to be reclaimed? 12"

If less than 12" of topsoil is available, a substitute material may be required.

- c) Will additional material be utilized as a soil substitute to complete the revegetation? ☐ yes ☒ no
If yes, specify type(s), amount(s), and source(s).

- d) Will any waste products, such as tailings, crusher rejects, etc., be generated during mining?..... ☐ yes ☒ no
If yes, what will be done with them?

- e) How will processing and stockpile sites be reclaimed? If they are to be revegetated, explain procedures which will be employed to decompact areas prior to topsoiling/seeding.

Levelled to blend with previous condition
matching rest of industrial site

10. REVEGETATION TECHNIQUES

- a) Species to be seeded/planted by type and amount.
N/A
- b) Describe method and time of year for planned planting.
N/A
- c) List fertilizers and lime to be used (include amount).
N/A
- d) List type and amount of mulch or other erosion control techniques such as erosion netting.
N/A

Vegetative survival comparable to the density of original ground cover will normally be considered acceptable.

11. RECLAMATION PROCEDURES - POST-MINE DRAINAGE CONTROL AND RECONSTRUCTION

- a) During reclamation, will stream channel and/or bank stabilization and rehabilitation be necessary?.... ☐ yes ☒ no
If yes, attach plans. ☐ n/a

A Division of State Lands' permit is required for relocation of all perennial and some intermittent water courses.

- b) How will surface water runoff and erosion be controlled upon completion of mining? Describe and list structures that will be used.

N/A

12. RECLAMATION PROCEDURES -

IMPOUNDMENTS & POND DECOMMISSIONING

- a) Will dewatering be required?..... ☐ yes ☒ no
- b) Will it be necessary to backfill a water filled excavation pit or pond?..... ☐ yes ☒ no
- c) How will settling ponds be stabilized and revegetated?
N/A

- d) How will quality of imported backfill be monitored to protect groundwater quality?
N/A

Monitoring may be required to ensure groundwater protection.

13. RECLAMATION PROCEDURES -

LAND SHAPING

Long continuous slopes should be avoided or broken up with surface contours, ditches, or complex slope shape.

- a) What will be the:
- i) -steepest above-water *excavated* slopes left after mining? ($1\frac{1}{2}$:1 is generally maximum) $1\frac{1}{2}$:1
- ii) -steepest above-water *fill* slopes left after mining? (2 :1 is generally maximum) 2 :1
- b) What will be done to ensure the stability of excavated slopes?
Planted
- c) What will be done to ensure the stability of fill slopes?
No fill slopes
- d) Will this site be shaped or backfilled to blend in with surrounding topography?..... ☒ yes ☐ no

14. POST-MINING WATER IMPOUNDMENT(S)

- a) Number of impoundment(s) N/A
- b) Use of impoundment(s) N/A
- c) Total surface area in acres N/A
- d) Average depth N/A
- e) How much is the water level expected to fluctuate annually?
N/A
- f) What will be the steepest and flattest in-water slopes left after mining? N/A

Generally 3:1 in-water slopes are the steepest allowable, except off islands. To increase potential for wetland habitat establishment, 5:1 to 20:1 slopes are needed.

- g) Will shallow ponds, shorelines, or other areas conducive to wetland plant development be left? N/A..... ☐ yes ☐ no
- h) What will be the impoundment water source?
N/A

WRD *A water right for the water source may be needed needed from the Water Resources Department.*

- i) What will be done for wildlife & fish enhancement, e.g. fish structures, islands, peninsulas, and irregular shorelines?
N/A
- j) If wetlands are to be constructed, explain the methods and final configuration.
N/A

15. OTHER PERMITS

In order to assist other agencies in the review of this plan and their ability to ascertain compliance with their laws, list all permits by type and number that are held (or applications filed) for this mine site or processing equipment (such as fill/removal permits, water rights, air quality and stormwater or waste water permits).

Agency/Permit Type	Permit Number
N/A	

16. LANDOWNER CONSENT

As surface or mineral rights owner, I concur with the proposed subsequent use for any mining operation and with the operating and reclamation plan as submitted. I also agree to allow access to the State Department of Geology and Mineral Industries or their contractor for reclamation of the mine site if it is declared abandoned by the Department of Geology and Mineral Industries. By my signature below, I certify that I have a legal right to sign this document.

Appropriate signatures are needed for EACH land parcel.

I CONCUR (Surface Rights)

Name (Please Print or Type) Ron Rhoden
Signature [Signature]
Title OWNER
Date 6/14/12

I CONCUR (Mineral Rights):

Name (Please Print or Type) Ron Rhoden
Signature [Signature]
Title OWNER
Date 6/14/12

17. APPLICANT'S ACCEPTANCE

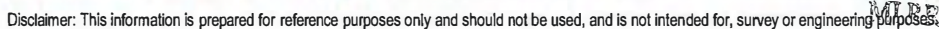
Name (Please Print or Type) Ron Rhoden
Signature [Signature]
Title OWNER
Date 6/14/12

18. PREPARED BY (IF OTHER THAN APPLICANT)

Name (Please Print or Type) _____
Signature _____
Title _____
Company _____
Date _____

ID No. 07-0156

T14S, R15E, SEC. 23 TL 606 - 29.93 ac.



engineering purposes.

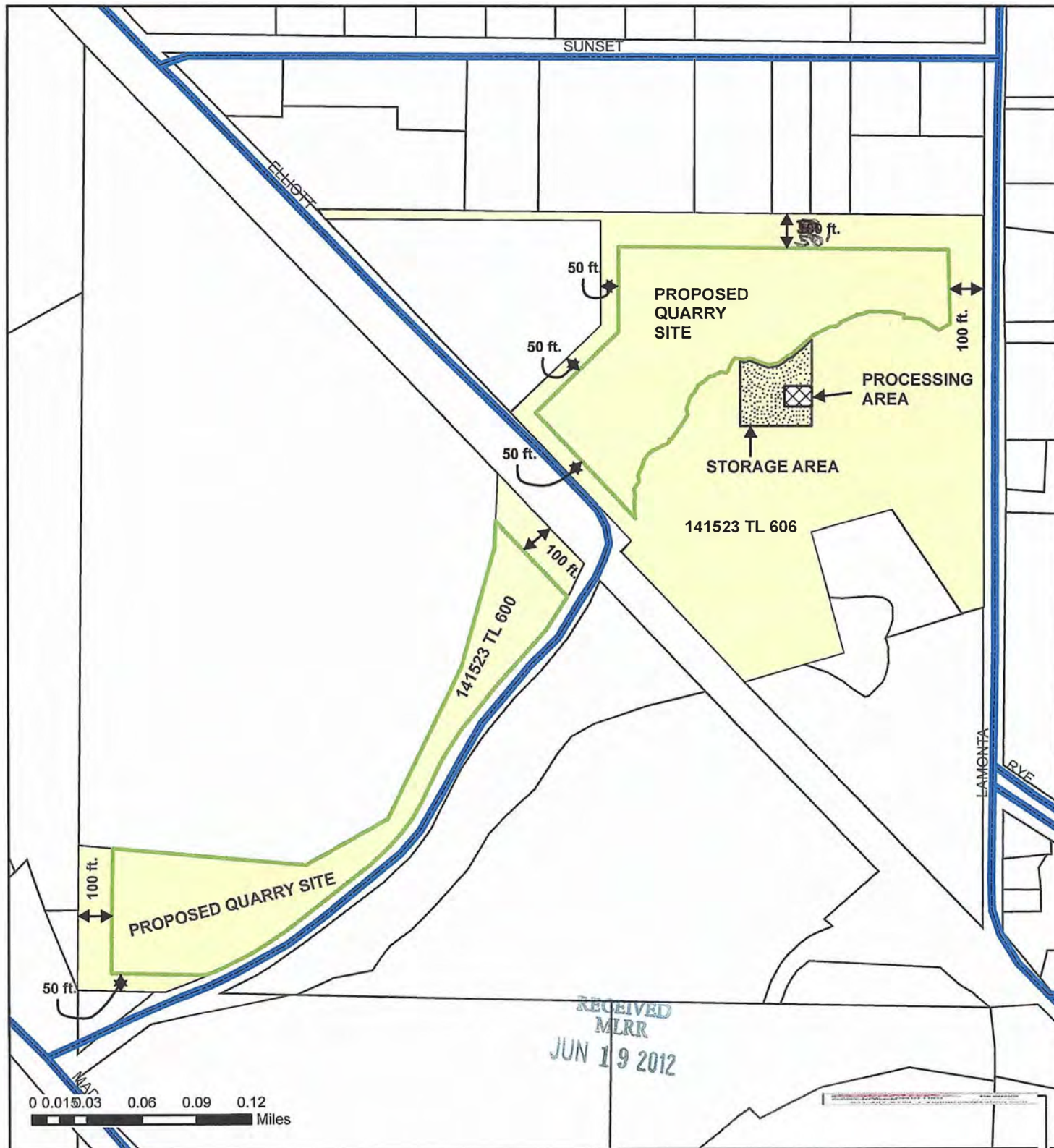
Kilpatrick DESIGNS
LAND USE CONSULTING
RESIDENTIAL DESIGN
541-447-2724 • ckimrock@yahoo.com

Exhibit C - Proposed Quarry Site



Rhoden Properties - T14S, R15E, SEC. 23 TL 600 - 9.72 ac.

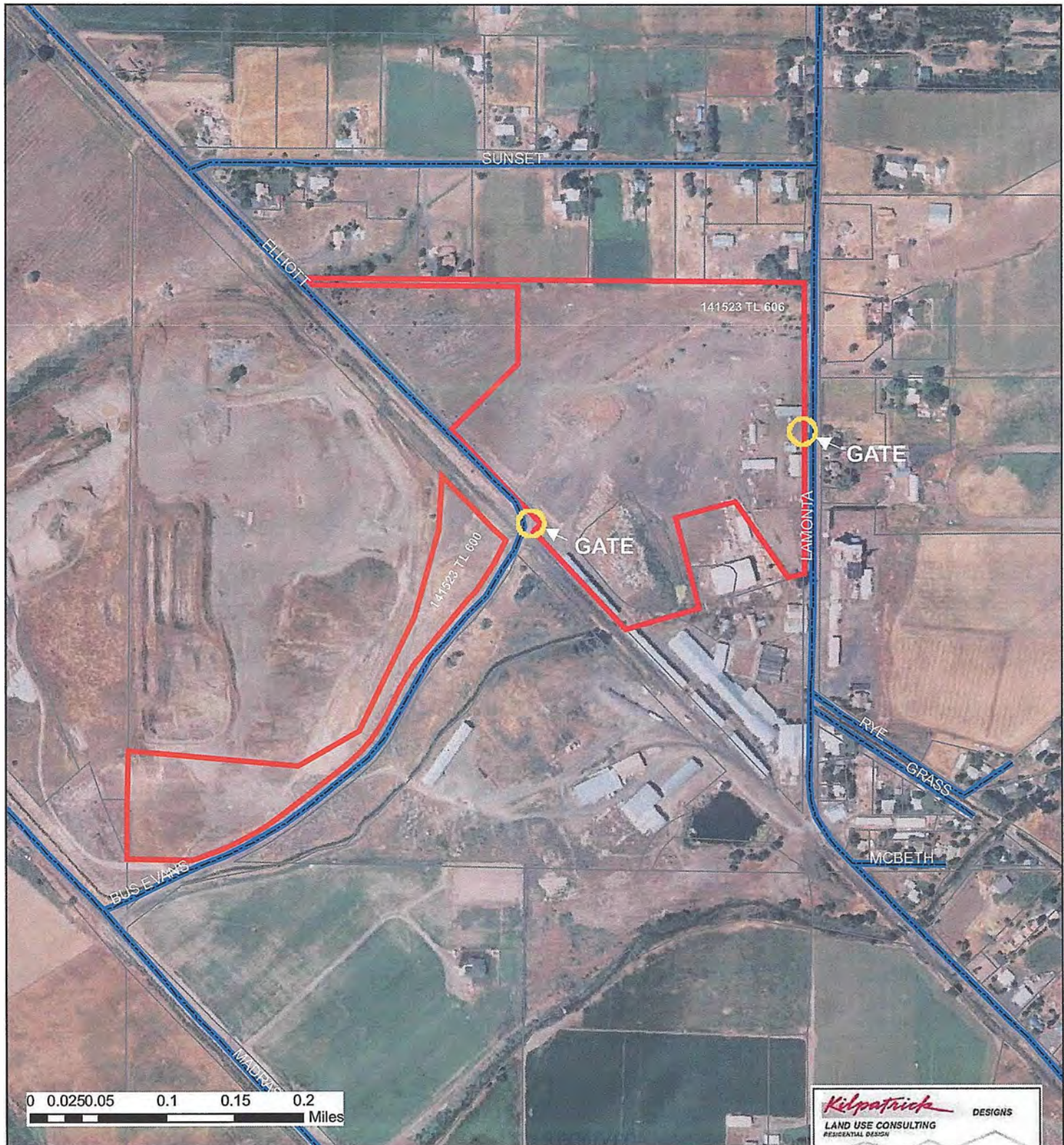
T14S, R15E, SEC. 23 TL 606 - 29.93 ac.



6.19.12

Exhibit B - Existing Property

Rhoden Properties - T14S, R15E, SEC. 23 TL 600 - 9.72 ac.
T14S, R15E, SEC. 23 TL 606 - 29.93 ac.



Disclaimer: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes.

JUN 19 2012

SECTION 23 T.14S. R.15E. W.M.
CROOK COUNTY
1" = 400'

[illegible]

RECEIVED
MLRR
JUN 19 2012

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RESIDENTIAL DESIGN

541-447-2724 • ckrimrock@yahoo.com

Disclaimer: This information is prepared for reference purposes only and should not be used, and is not intended for survey or engineering purposes.

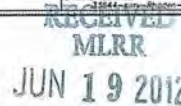
6.19.12

T14S, R15E, SEC. 23 TL 606 - 29.93 ac.



541-447-2724 • ckrimrock@yahoo.com

T14S, R15E, SEC. 23 TL 606 - 29.93 ac.



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541-447-2724 • ckrimrock@yahoo.com

Soil Map—Prineville Area, Oregon
(Rhoden 07-0156)



Map Unit Legend

Prineville Area, Oregon (OR654)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
099	Era ashy sandy loam, 0 to 3 percent slopes	2.5	14.4%
123	Ochoco-Prineville complex 0 to 3 percent slopes	9.7	56.9%
130	Aridic Haploxerolls complex, 8 to 40 percent slopes	4.9	28.7%
Totals for Area of Interest		17.0	100.0%

Well Log Query Results

NEW! GPS points, where available, have been added to the far right of the table. Click link to view on map

Township: 14 S, Range: 15 E, Sections: 23, County: CROO


Well Log	T-R-S/ Q-Q-Q	Parcel	Street of Well	Owner	Company	Special Standards	Well Type	First Water	Completed Depth	Static Water Level	Yield	Completed Date	Received Date	Bonded Contractor	Startcard	Well Id #	Abandon	Deepen	Alteration	Conversion	Domestic	Irrigation
CROO 976	14.00S-15.00E-23			SHRUM, MILTON LAMONTA RD STUDMILL PRINEVILLE OR 97754			W	232.00	280.00		100.0	05/06/1969	06/11/1969	AKINS, DICK DICK AKINS WELL DRILLING			✓				✓	✓
CROO 977	14.00S-15.00E-23			SELF, ELMER CASCADE LOCKS ID			W	50.00	25.0	30.0	03/29/1969	04/14/1969	FOX, ARCHIE ARCHIE FOX WELL DRILLING			✓					✓	
CROO 978	14.00S-15.00E-23				PINE PRODUCTS CORP. LAMONTA RD PRINEVILLE OR 97754		W	30.00	9.0	20.0	02/16/1968	03/13/1968	FOX, ARCHIE ARCHIE FOX WELL DRILLING			✓						
CROO 979	14.00S-15.00E-23				PINE PRODUCTS CORP. PRINEVILLE OR 97754		W	40.00	20.0	15.0	11/18/1968	03/04/1969	BRANDT, C H BRANDT DRILLING CO.			✓					✓	
CROO 980	14.00S-15.00E-23			PAYNE, TOM LAMONTA RD PRINEVILLE OR 97754			W	42.00	12.0	20.0	07/19/1966	08/31/1966	AKINS, DICK DICK AKINS WELL DRILLING			✓					✓	
CROO 981	14.00S-15.00E-23			PROCTOR, LEO T RT 1 BOX 859B PRINEVILLE OR 97754			W	60.00	25.0	20.0	09/21/1965	09/28/1965	FOX, ARCHIE ARCHIE FOX & CORDELL			✓					✓	
CROO 982	14.00S-15.00E-23			DUPEE, OTTO PRINEVILLE OR 97754			W	80.00	28.0	35.0	06/23/1960	07/18/1960	BRANDT, C H BRANDT DRILLING CO.			✓					✓	
CROO 983	14.00S-15.00E-23 SW-NE			BUSTILLO, AL 1895 E LAUGHLIN PRINEVILLE OR 97754			W	31.00	50.00	25.0	10/23/1978	11/14/1978	FOX, ARCHIE ARCHIE FOX WELL DRILLING			✓					✓	
CROO 984	14.00S-15.00E-23 SW-NE			HOWARD, BUD GREEN ACRES TRAILER COURT PRINEVILLE OR 97754			W	35.00	51.00	26.0	15.0	09/09/1972	09/29/1972	FOX, ARCHIE ARCHIE FOX WELL DRILLING			✓				✓	
CROO 985	14.00S-15.00E-23 SW-NE			FORTNER, ERNESTE PO BOX 663 PRINEVILLE OR 97754			W	27.00	80.00	27.0	40.0	03/29/1956	04/06/1956	GRIMES, LEE			✓					✓
12345678910...>>																						

[Download Data](#)

[Return to Well Log Query](#)

MAP LEGEND






















Area of Interest (AOI)


 Area of Interest (AOI)

Soils

 Soil Map Units

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

 Very Stony Spot




 Wet Spot

 Other


Special Line Features

-  Gully
-  Short Steep Slope
-  Other






Political Features

-  Cities
-  PLSS Township and Range
-  PLSS Section

Water Features

-  Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:2,070 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 10N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Prineville Area, Oregon
Survey Area Data: Version 8, Oct 21, 2010

Date(s) aerial images were photographed: 7/24/2005

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Ben Mundie

From: Scott Carlson [scarlson@hookercreek.net]
Sent: Monday, July 02, 2012 9:45 AM
To: Ben Mundie
Subject: RE: Affidavit of Publication for Rhoden Site

Yes, all of the adjacent property owners were notified the same day the newspaper notice was published.

Barrie is getting Mr. Rhoden's signature on the reclamation security today. I will send that to you when Barrie returns to the office.

I think at that point we will have everything in place.

Thank you,
Scott

From: Ben Mundie [mailto:ben.mundie@mlrr.oregongeology.com]
Sent: Monday, July 02, 2012 9:19 AM
To: Scott Carlson
Subject: RE: Affidavit of Publication for Rhoden Site

Thank you Scott – This will work. Were adjacent property owners notified? With reclamation security in place the temporary permit may be issued. Mr. Rhoden must be named as principal.

Attached are the forms for reclamation security. Whichever works best.

Ben

From: Scott Carlson [mailto:scarlson@hookercreek.net]
Sent: Monday, July 02, 2012 7:56 AM
To: Ben Mundie
Subject: Affidavit of Publication for Rhoden Site

Good Morning Ben,

Attached is the Affidavit of Publication for the public notice on the Rhoden Site.

Is this email sufficient for the TOP or would you like me to mail the original to you?

Thank you,
Scott Carlson
Hooker Creek Companies, LLC

Ben Mundie

From: Meg Eden [meg.j.eden@state.or.us]
Sent: Thursday, June 28, 2012 2:33 PM
To: Ben Mundie
Subject: RE:

Ben,

My emails continue to bounce back even with this address so I will try and send as an attachment. Please let me know if you get this. Thank you, Meg Eden

RE: Ron Rhoden Proposed Quarry Sit
T14SR15ESec 23 TL 600 and 606

Ben Mundie,

The Oregon Department of Fish & Wildlife (ODFW) has reviewed the operating permit to remove aggregate material from an industrial zoned area west of Prineville from Ron Rhoden. ODFW has no objections to the proposed project as submitted.

We appreciate the opportunity to review this application. Thank you.

Meg Eden
Oregon Department of Fish & Wildlife
2042 SE Paulina Hwy
Prineville, OR 97754
541-447-5111 ext 27
Meg.J.Eden@state.or.us

From: Ben Mundie [mailto:ben.mundie@mlrr.oregongeology.com]
Sent: Tuesday, June 26, 2012 9:23 AM
To: Meg Eden (meg.j.eden@state.or.us)
Subject:

Good morning Meg – sorry about the mix up.

Ben

ben.a.mundie@mlrr.oregongeology.com

Affidavit of Publication

STATE OF OREGON)
COUNTY OF CROOK)

I, **VANCE TONG**, being first duly sworn, depose and say that I am the Publisher of the **CENTRAL OREGONIAN**, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Prineville, in the aforesaid county and state; that the **NOTICE** a printed copy of which is hereto annexed, ONE successive and consecutive weeks in the following issues:

Issue date: JUNE 12, 2012

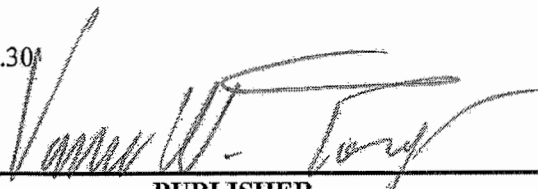
Issue date:

Issue date:

Issue date:

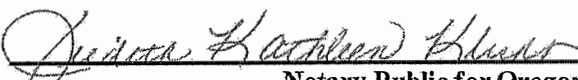
Fee charged for this publication:

32.30



PUBLISHER

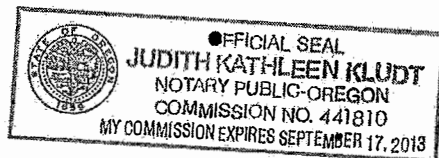
Subscribed and sworn to before me this 13TH day of JUNE, 2012.



Notary Public for Oregon

Central Oregonian
558 N Main St,
Prineville, OR 97754

Commission expires 9-17-13



Rhodes Investments, Inc. is seeking a Temporary Operating Permit (TOP) from Oregon Department of Geology and Mineral Industries (DOGAMI) to produce sand and gravel aggregate at the location off Larionta Road with a narrow band of land on the Westerly side of Bus Evans Road approximately 3 miles northwest of Prineville and identified on the Crook County Assessor's tax map as #1215230000600 and 1415230000606. The TOP will allow mining to begin on June 26, 2012 and proceed prior to completion of the normal DOGAMI operating permit process. Anyone having questions or comments should contact Ben Mundle, DOGAMI at 541-967-2149 or ben.a.mundle@mlrr.oregongeology.com.

(68860) PUBLIC NOTICE
Public Notice
Temporary Operating
Permit

Ben Mundie

From: Bill Zelenka [Bill.Zelenka@co.crook.or.us]
Sent: Thursday, June 21, 2012 12:31 PM
To: Ben Mundie
Subject: RE: Ron Rhoden File No. SP 10-0010 DOGAMI ID No. 07-0156

Ben,
Everything should be a go; the property is in a Heavy Industrial Zone, and the primary purpose is to make the site more usable for future industrial uses. We didn't have any major issues. We would like a copy of the final plan, as ingress and egress was discussed as a condition.
Bill

From: Ben Mundie [mailto:ben.mundie@mlrr.oregongeology.com]
Sent: Thursday, June 21, 2012 12:27 PM
To: Bill Zelenka
Subject: Ron Rhoden File No. SP 10-0010 DOGAMI ID No. 07-0156

Good afternoon Bill – Ron Rhoden has submitted an application for an operating permit to DOGAMI for tax lots 600 and 606 sec 23 T14S R15E.

It is understood a commercial site plan review was approved in July 2010 to allow mining within these tax lots, File No. SP 10-0010.

Mr. Rhoden has requested DOGAMI issue a temporary operating permit (TOP) to allow development of the site to begin, to take full advantage of the work period.

Is the site plan review still valid, and is there any concern that work begin as soon as possible? DOGAMI will proceed with the normal review process, however, ODFW has been consulted to insure there are no wildlife concerns associated with the proposed project, which would allow work to begin under a TOP.

Thank you for your time and consideration. Please contact me with any questions.

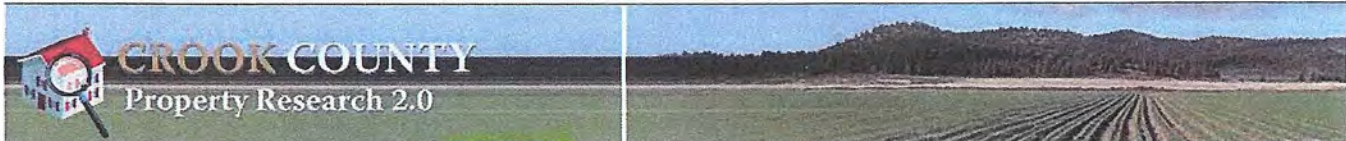
Ben Mundie
DOGAMI
541-967-2149
ben.a.mundie@mlrr.oregongeology.com

The Oregon Map

New Directions



Copyright 2011 ORMAP. All rights reserved. Wed Aug 8 2012 09:58:02 AM.



Assessor Information Reports last updated on: 6/13/2012

Report Generated for Maptaxlot 1415230000606, Date: 6/15/2012 7:39:40 AM

General Account Information

Account	Taxpayer (see Owners report)	Acres	Fire Patrol	Code Area	Remarks	Sen. Def.	DOR No.
17562	RHODENS INVESTMENTS INC	29.93		12			

Account	Add1 (Taxpayer mailing address)	Add2	Add3	City	State	Zip	Country
17562	PO BOX 460			PRINEVILLE	OR	97754	USA

Account	Subdivision	Block	Lot	Property Class	PC Description	Description	Liability
17562	PART PLAT YEAR & # NO PARCEL #	6	4	301	Ind Improved	Land &/or Buildings	

Account	Additional Taxes Due	Farm Disqualification	Pending Situation
17562			

No 'Site Address (SITUS)' information is available

Zoning Info. for Tax Lot

Zone	Description	Proportion
HM	Heavy Industrial	1

Owners 'History and Full Owners' List for Account

Account	Owner	From date	To date
17562	RHODENS INVESTMENTS INC	1/1/2006	

Account	Add1 (Owner mailing Address)	Add2	Add3	City	State	Zip	Country
17562	PO BOX 460			PRINEVILLE	OR	97754	USA

Certified Values

Account	Tax Year	Valuation Type	Initial Value	Initial Date	Modified Value	Modified Date
17562	2011		\$231,120.00	9/22/2011	\$231,120.00	9/22/2011
17562	2011	Land RMV	\$168,200.00	9/22/2011	\$168,200.00	9/22/2011
17562	2011	Total RMV	\$231,120.00	9/22/2011	\$231,120.00	9/22/2011
17562	2011	Improvements RMV	\$62,920.00	9/22/2011	\$62,920.00	9/22/2011
17562	2011	TAV	\$231,120.00	9/22/2011	\$231,120.00	9/22/2011

Tentative Uncertified Values, subject to change

Account	Date	Real Market Land	Real Market Improvement	Real Market Total
17562	6/11/2012	\$168,200.00	\$47,210.00	\$215,410.00

Land Information for Tax Lot

Account	Description	Soil	Acres	Base Rate	RMV	Effective Year	Last Updated
17562	Market	Market Land	29.93	\$0.13	\$168,200.00	2011	6/7/2011
17562	Market		29.93	\$0.13	\$168,200.00	2011	6/7/2011

Improvement Information for Tax Lot

Account	Type	Extension	Year Built	Eff. Year Built	Condition	Grade	Physical Dep.	Functional Dep.	RMV of Improvement	Size	Units
17562	FLATBARN	R02	0	1900	VP	55	60	0	\$290.00	4240	SF
17562	MACHINE	R02	0	1970	AV	55	28	0	\$22,410.00	3588	SF
17562	SHEDGP	R02	0	1985	AV	55	21	0	\$14,130.00	1056	SF
17562	MISC	R02	0	1985	AV	25	21	0	\$950.00	528	SF
17562	LEANTO	R02	0	1985	AV	45	21	0	\$820.00	288	SF
17562	MACHINE	R02	0	1900	P	45	60	0	\$790.00	3416	SF
17562	MACHINE	R02	0	1900	P	45	60	0	\$170.00	1200	SF
17562	HAYCOVER	R02	0	1970	AV	55	28	0	\$22,550.00	9000	SF

Tax History Information

If paid in full by November 15th, there is a 3% discount. If two-thirds paid by November 15th, there is a 2% discount. No discount is allowed on payments for less than two-thirds. Interest Charged on Property Tax at the Rate of 1.333333% per month or 16% annually on the delinquent tax. The interest changes on the 16th of each month. The amount shown below does not reflect discounts or interest. Please contact the Crook County Tax Collector's Office at 541-447-6554 for further information.

Account	Tax Year	Tax Amount	Description	Balance
17562	2006	\$3,463.89	A/V Principal-Regular	\$0.00
17562	2007	\$6,050.48	A/V Principal-Regular	\$0.00
17562	2008	\$6,434.75	A/V Principal-Regular	\$0.00

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Assessor Information Reports last updated on: 6/13/2012

Report Generated for Maptaxlot 1415230000600, Date: 6/15/2012 7:40:14 AM

General Account Information

Account	Taxpayer (see Owners report)	Acres	Fire Patrol	Code Area	Remarks	Sen. Def.	DOR No.
14957	RHODEN'S INVESTMENTS INC	9.72		12			

Account	Add1 (Taxpayer mailing address)	Add2	Add3	City	State	Zip	Country
14957	PO BOX 460			PRINEVILLE	OR	97754	USA

Account	Subdivision	Block	Lot	Property Class	PC Description	Description	Liability
14957		0	0	301	Ind Improved	Land &/or Buildings	

Account	Additional Taxes Due	Farm Disqualification	Pending Situation
14957			

Site Address (SITUS)

Address	Secondary Number	Notes
3600 NW BUS EVANS LN, PRINEVILLE		Please Check

Zoning Info. for Tax Lot

Zone	Description	Proportion
HM	Heavy Industrial	1

Owners 'History and Full Owners' List for Account

Account	Owner	From date	To date
14957	RHODEN'S INVESTMENTS INC	1/1/1997	

Account	Add1 (Owner mailing Address)	Add2	Add3	City	State	Zip	Country
14957	PO BOX 460			PRINEVILLE	OR	97754	USA

Certified Values

Account	Tax Year	Valuation Type	Initial Value	Initial Date	Modified Value	Modified Date
14957	2011	Land RMV	\$103,820.00	9/22/2011	\$103,820.00	9/22/2011
14957	2011	TAV	\$83,224.00	9/22/2011	\$83,224.00	9/22/2011
14957	2011	Improvements RMV	\$11,180.00	9/22/2011	\$11,180.00	9/22/2011
14957	2011		\$83,224.00	9/22/2011	\$83,224.00	9/22/2011
14957	2011	Total RMV	\$115,000.00	9/22/2011	\$115,000.00	9/22/2011

Tentative Uncertified Values, subject to change

Account	Date	Real Market Land	Real Market Improvement	Real Market Total
14957	6/11/2012	\$103,820.00	\$8,390.00	\$112,210.00

Land Information for Tax Lot

Account	Description	Soil	Acres	Base Rate	RMV	Effective Year	Last Updated
14957	Market	Market Land	9.72	\$0.25	\$103,820.00	2011	6/7/2011
14957	Market		9.72	\$0.25	\$103,820.00	2011	6/7/2011

Improvement Information for Tax Lot

Account	Type	Extension	Year Built	Eff. Year Built	Condition	Grade	Physical Dep.	Functional Dep.	RMV of Improvement	Size	Units
14957	INDOFF C01		3000	1999	AV	45	0	0	\$12,420.00	1	SF

Tax History Information

If paid in full by November 15th, there is a 3% discount. If two-thirds paid by November 15th, there is a 2% discount. No discount is allowed on payments for less than two-thirds. Interest Charged on Property Tax at the Rate of 1.333333% per month or 16% annually on the delinquent tax. The interest changes on the 16th of each month. The amount shown below does not reflect discounts or interest. Please contact the Crook County Tax Collector's Office at 541-447-6554 for further information.

Account	Tax Year	Tax Amount	Description	Balance
14957	2000	\$1,313.83	A/V Principal-Regular	\$0.00
14957	2001	\$1,356.70	A/V Principal-Regular	\$0.00
14957	2002	\$1,382.59	A/V Principal-Regular	\$0.00
14957	2003	\$1,410.81	A/V Principal-Regular	\$0.00
14957	2004	\$1,445.24	A/V Principal-Regular	\$0.00
14957	2005	\$1,470.72	A/V Principal-Regular	\$0.00
14957	2005	\$6.54	A/V Interest	\$0.00
14957	2006	\$1,523.14	A/V Principal-Regular	\$0.00
14957	2007	\$1,562.74	A/V Principal-Regular	\$0.00
14957	2008	\$1,661.99	A/V Principal-Regular	\$0.00



Courtesy of:
AmeriTitle



LEGEND

- County City UGB
Property of Interest

Disclaimer:

This map was created from digital databases provided by the Crook County GIS Dept. AmeriTitle has provided this information as a courtesy and assumes no liability for errors, omissions, or the positional accuracy of the data, and does not warrant the fitness of this product for any particular purpose.

CORRECTED STATUTORY WARRANTY DEED
(Crook - Rhoden)

JACK RHODEN, Grantor, conveys and warrants to RHODEN'S INVESTMENTS, INC., an Oregon corporation, Grantee, the real property in Crook County, Oregon, legally described on the attached Exhibit "A", exclusive of the improvements and fixtures located thereon, to the extent such improvements and fixtures were conveyed by Grantor to Rhoden's Investments, Inc, an Oregon corporation, pursuant to a Statutory Warranty Deed dated June 2, 1992, free and clear of all liens and encumbrances except as set forth on the attached Exhibit "B".

The true and actual consideration for this conveyance is to correct the legal description contained on that certain Warranty Deed from Jack Rhoden to Rhoden's Investments, Inc., an Oregon corporation, dated June 2, 1992, and recorded in Deed Records of Crook County, Oregon at MF No. 105710.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

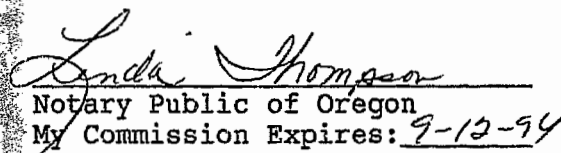
DATED this 12th day of Feb., 1993.


JACK RHODEN

STATE OF OREGON)
) ss.
County of Crook)

The foregoing instrument was acknowledged before me on this 12 day of February, 1993, by Jack Rhoden.




Notary Public of Oregon
My Commission Expires: 9-12-94

After recording return to:

Gary J. Bodie
P.O. Box 623
Prineville, OR 97754

Until a change is requested,
tax statement should be sent to:

Rhoden's Investments, Inc.
P.O. Box 460
Prineville, OR 97754

EXHIBIT A

(Crook Facilities)

CROOK COUNTY, OREGON

TRACT I:

A parcel of land in the Southwest quarter of Section 24, Township 14 South, Range 15 East of the Willamette Meridian, more particularly described as follows: Beginning at a point 682 feet North and 30 feet East of the Southwest corner of said Section 24, said point being on the Easterly right of way line of the County Road, as located and constructed, thence North along said right of way line 808 feet, thence East 210 feet, thence South 948 feet, thence North 56°22' West 252 feet, more or less, to the point of beginning. EXCEPTING THEREFROM a tract of land deeded to Ward Rhoden and wife by deed recorded January 13, 1950 in Book 63 of Deeds at page 304, Records of Crook County, Oregon. AND EXCEPTING THEREFROM a tract of land deeded to Pine Products Corporation by deed recorded September 25, 1987 in Deeds No. 84691, Records of Crook County, Oregon, and more particularly described in TRACT II below.

TRACT II:

Beginning at a point 1440 feet North and 30 feet East of the Southwest corner of Section 24 in Township 14 South, Range 15 East of the Willamette Meridian, said point being on the Easterly right of way line of Lamonta Road, as now located and constructed, thence South along the right of way line 623 feet, thence East 210 feet, thence North 623 feet, thence West 210 feet to the point of beginning.

EXHIBIT A

PAGE 1 OF 5

CROOK COUNTY, OREGON

TRACT III:

A parcel of land in the SE $\frac{1}{4}$ of Section 23 in Township 14 South, Range 15 East of the Willamette Meridian, more particularly described as follows: Beginning at the point of intersection of the Northerly right of way line of the City of Prineville Railway with the East line of said Section 23, said point being 190 feet North of the Southeast corner of said Section 23, thence North 43°56' West along said railway right of way a distance of 1574 feet, thence North 46°44' East 50 feet, thence North 43°56' West along the Easterly right of way line of the county road known as Williams Road a distance of 1300 feet, more or less, to a point 2280 feet North of the South line of said Section 23, thence East 1932 feet, more or less; to a point on the East line of said Section 23, thence South along the East line of said Section 23 a distance of 2090 feet to the point of beginning. SUBJECT TO a right of way along the East line of the above described tract for the county road known as Lamonta Road.

TRACT IV:

A parcel of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 14 South, Range 15 East of the Willamette Meridian, more particularly described as follows: Beginning at the corner common to Sections 23, 24, 25 and 26 in Township 14 South, Range 15 E.W.M., thence North 40.6 feet to the Southerly right of way line of the City of Prineville Railroad, thence North 43°56' West 637.5 feet, thence South 56°50' West 833.7 feet to the South boundary of said Section 23, thence South 89°38' East along the Section line 1121.15 feet to the point of beginning.

TRACT V:

A parcel of land situate in a portion of the E $\frac{1}{4}$ of Section 23, Township 14 South, Range 15 E.W.M., Crook County, Oregon, more particularly described as follows: Commencing at the South 1/4 corner of Section 23, the Initial Point; thence South 89°07'02" East along the South line of the SE $\frac{1}{4}$ of said Section 23 a distance of 1317.59 feet to the East line of the SW $\frac{1}{4}$ of said SE $\frac{1}{4}$; thence North 00°12'55" East along said East line a distance of 620.46 feet to the Southwest corner of a parcel of land described in Crook County Deeds Book 65 Page 428; thence North 39°03'38" East along the South line of said parcel a distance of 183.09 feet (cited in said deed as North 38°30' East a distance of 183 feet); thence North 72°33'38"

EXHIBIT A

PAGE 2 OF 5

East a distance of 389.00 feet to the Southwest right of way of the City of Prineville Railroad (cited in said deed as North 72° East a distance of 389 feet); thence North 43°58'22" West along said right of way a distance of 136 feet (cited in said deed as North 44°32' West a distance of 136.00 feet, more or less) to the Point of Beginning of said deed described as being North 983 feet and West 924 feet from the Southeast corner of said Section 23; thence North 43°58'22" West along said right of way a distance of 753.43 feet to a 1/2" pipe in an existing fence; thence South 02°52'49" West along said fence a distance of 224.10 feet to a 1/2" pipe; thence South 15°59'41" West along said fence a distance of 324.55 feet to a 1/2" pipe at an existing entrance point, herein called "Access Point B"; thence South 24°22'33" West along said fence a distance of 505.22 feet to a 1/2" pipe; thence South 60°27'10" West along said fence a distance of 273.84 feet to a 1/2" pipe; thence North 84°56'47" West along said fence a distance of 641.93 feet to a 1/2" pipe on the West line of said SE $\frac{1}{4}$; thence South 00°14'52" West along said West line a distance of 424.53 feet to the point of beginning.

TRACT VI:

Beginning at a point 659 feet West from the Southeast corner of Section 23 in Township 14 South, Range 15 East of the Willamette Meridian, thence West 653 feet, thence North 620 feet, thence North 38°30' East 185 feet, thence North 72°00" East 389 feet, thence South 43°30' East 718 feet, thence South 48°00' West 376 feet, thence South 40°00' West 77 feet, thence South 74 feet to the place of beginning.

TRACT VII:

A parcel of land in the Southwest quarter of Section 24, Township 14 South, Range 15 East of the Willamette Meridian, more particularly described as follows: Beginning at a point which is 542 feet North and 240 feet East of the Southwest corner of said Section 24, thence South 56°22' East 227 feet, thence North 21°57' East 113.3 feet, thence South 74°50' East 327 feet, thence North 51° East 475 feet, thence East 162 feet, more or less, to the East line of the Southwest quarter of said Section 24, thence North 594 feet, more or less, to the Northeast corner of the Southwest quarter of said Section 24, thence West 1080 feet, more or less, to a point due North of the point of beginning, thence South 778 feet, more or less, to the point of beginning.

EXHIBIT

A

PAGE

2 OF 5

TRACT VIII:

A parcel of land in the Northeast quarter of the Northeast quarter of Section 26 in Township 14 South, Range 15 East of the Willamette Meridian, more particularly described as follows: Beginning at a point 543.15 feet West of the corner common to Sections 23, 24, 25 and 26 in Twp. 14 S., R. 15 E.W.M., thence North 89°38' West 578 feet to the Northeast corner of a tract of land deeded to Gerald E. Noble and wife by deed recorded in Book 90 of Deeds at page 210, Records of Crook County, Oregon, thence Southerly along the East line of said tract 625.50 feet to a point on the Westerly bank of McKay Creek, thence North 56° East along said Westerly bank of McKay Creek 499 feet, more or less, to a point on the Westerly line of a tract of land deeded to Prineville Stud Company by deed recorded in Book 98 of Deeds at page 322, Records of Crook County, Oregon, thence North 45°31'44" West 79 feet, thence North 43°15'26" East 351.10 feet to the point of beginning.

Also, a parcel of land in the Northeast quarter of the Northeast quarter of Section 26 in Township 14 South, Range 15 East of the Willamette Meridian, more particularly described as follows: Beginning at the common section corner of Sections 23, 24, 25 and 26 in Twp. 14 S., R. 15 E.W.M., thence North 89°38'00" West 543.15 feet, thence South 43°15'26" West 351.10 feet, thence South 43°31'44" East 153.70 feet, thence North 63°09'38" East 205.80 feet, thence North 76°52'00" East 253.30 feet, thence South 82°04'48" East 249.40 feet, thence North 00°47'26" West 244.00 feet to the point of beginning.

TRACT IX

Beginning at the Northwest corner of Section 25 in Township 14 South, Range 15 E.W.M., thence North 89°51' East 73.29 feet along the North line of said Section 25 to the Westerly right of way line of the City of Prineville Railway, as located and constructed, thence South 43°56' East 447.02 feet along said right of way line to the Northeasterly corner of a tract of land deeded to Arthur J. Smith and wife by deed recorded in Deeds No. 19955, Records of Crook County, Oregon, thence North 78°30' West along the Northerly line of said tract 392.76 feet to the West line of said Section 25, thence North 0°19'25" East 244 feet along said section line to the point of beginning.

TRACT X

A tract of land particularly described as follows, to-wit:

Beginning at the Northwest corner of the Northwest quarter of the Northeast quarter of Section 26 in Township 14 South, Range 15 East of the Willamette Meridian, thence South 200 feet to a point; thence Northeasterly in a straight line to a point which is 200 feet East of the Point of beginning; thence West 200 feet to the place of beginning, said premises lying North of the Irrigation canal located on said premises subject to the restrictions as to use thereof as restricted and limited in the deed conveying said premises to H. Baldwin, one of grantors above named made and executed by L.H. McPhetridge, a single man, said deed being dated September 2, 1941 filed September 16, 1941 and appearing of record in Book 52 at page 475.

TRACT XI

The West half of the following described tract, to-wit:

All that part of the Northwest quarter of the Northwest quarter of Section 1 in Township 15 South, Range 15, E.W.M. that is located South of the rimrocks in said quarter section, EXCEPTING THEREFROM the portion thereof deeded to Dewie Grogan by deed recorded in Book 54 of Deeds at page 551, Records of Crook County, Oregon and described as follows, to-wit: Beginning at a point on the North line of Section 1, said point being 1,311 feet West of the North quarter corner of said Section 1, thence South 230 feet, thence West 290 feet, thence North 230 feet to a point on the North line of said Section, thence East along said North line 290 feet, more or less, to the point of beginning, all being South of the Crooked River Road.

EXCEPTING FROM THE LANDS HEREIN DESCRIBED that portion deeded to Crook County for right of way purposes by deed recorded April 28, 1992 in Deeds No. 103667, Records of Crook County, Oregon.

EXHIBIT 11

PAGE 5 OF 5

EXHIBIT "B"

(Crook Facilities)

1. As disclosed by the tax roll, a portion of the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
2. Existing rights of way for roads, highways, irrigation ditches, canals, and pole lines.
3. The property herein described is within the boundaries of the Ochoco Irrigation District and may be subject to liens and assessments thereof.
4. An easement 12 feet in width for a roadway granted by Pine Investment Company, an Oregon corporation, Ward Rhoden and Marie Rhoden, husband and wife, and Leonard A. Smith and Verna A. Smith, husband and wife, to Joe D. Waldron and Iris Waldron, husband and wife, dated October 24, 1962 and recorded October 25, 1962 in Book 87 of Deeds at page 84, Records of Crook County, Oregon.
5. Right of way easements granted to Pacific Power & Light Company as recorded in Book 52 of Deeds at page 235, Book 53 of Deeds at page 115, and Book 64 of Deeds at page 206, Book 76 of Deeds at page 554, Book 92 of Deeds at page 573, Book 98 of Deeds at page 634, and Deeds No. 56556, Records of Crook County, Oregon.
6. A Perpetual Easement granted by Pine Products Corporation, to Oregon & Western Colonization Company, recorded February 4, 1938 in Book 50 of Deeds at page 139, Records of Crook County, Oregon, being an easement over a tract of land 100 feet square for the purpose of watering stock.
7. Rights of way for irrigation purposes reserved in deed from Ochoco Irrigation District to L.H. McPhetridge, as recorded in Book 49 of Deeds at page 195, Records of Crook County, Oregon.
8. Provisions of an Easement granted by Crook County, Oregon, a municipal corporation, to Pine Investments Co., an Oregon corporation, recorded April 1, 1970 in Book 102 of Deeds at page 11, Records of Crook County, Oregon.
9. The property described herein consists of many tracts, some of which are contiguous. Access to much of the property may be through these adjoining tracts. Rights of access to the property is limited to those public roads which abut or pass through the property described herein and no representation is made that all tracts have independent rights of access.

EXHIBIT "B"
1 OF 1

KEY PUNCHED

FEB 22 1993

STATE OF OREGON
COUNTY OF CROOK, SS **107673**
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 12th DAY OF
Feb., 1993, AT 4:40 P.M.
AND RECORDED IN DEED
RECORDS OF SAID COUNTY: MF NO. **107673**
DELLA M. HARRISON, CROOK COUNTY CLERK
BY: Cathy Williams DEPUTY



**Crook County
Planning Department**
300 NE 3rd Street, Prineville, OR 97754
(541)447-8156
Fax (541)416-3905
ccplan@co.crook.or.us

BEFORE THE CROOK COUNTY PLANNING COMMISSION
IN THE MATTER OF APPLICATION CO. SP 10-0010 FOR SITE PLAN APPROVAL IN A
HEAVY INDUSTRIAL H-M ZONE.
FINAL DECISION

DATE: July 14, 2010

APPLICATION NO.: SP 10-0010

APPLICANT/OWNER: Ron & John Rhoden
Rhoden Investments
PO Box 460
Prineville, Oregon 97754

AGENT: Craig & Cathy Kilpatrick
13790 NW O'Neil Highway
Redmond, Oregon 97756

SUBJECT PROPERTY: Main aggregate site is off Lamonta Road with a narrow band of land on the westerly side of Bus Evans Road and identified on the Crook County Assessor's tax map as # 1415230000600 and 1415230000606. A total of 39.65 acres in the H-M, Heavy Industrial zone, the proposed aggregate site contains approximately 20 acres. The elevation of highest point of the site is approximately 2,840 feet, the lowest about 2,795 feet. The proposed site slopes from north to south. Approximately half of the property is flat. The terrain is mostly covered with gravels both natural and imported as the site was once the mill yard for Pine Products Corporation. There is little forage. Tax lot 606 is entirely fenced. Many of the old mill buildings have been removed.

APPLICANT'S REQUEST: Applicant requests a commercial site plan review and approval for a temporary aggregate processing facility for an aggregate mining operation on a parcel zoned H-M, Heavy Industrial. The subject property will be leveled and reclaimed for the future development of an industrial park appropriate to this zone.

APPLICATION RECEIVED: January 25, 2010

APPLICATION DEEMED COMPLETE: May 7, 2010

150 DAY EXPIRATION: October 4, 2010

PUBLIC NOTICE: May 19, 2010

HEARING DATE: June 9, 2010

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THE ABOVE ENTITLED MATTER came before the Crook County Planning Commission at its

regular meeting on June 9, 2010.

II. DESCRIPTION OF PROPOSED USE:

Applicants have requested Site Plan Review approval for a Temporary aggregate processing facility and an aggregate mining operation which will include surface and subsurface mining of sand & gravel and inclusion of a plant for crushing, screening and washing the extracted materials. Upon completion of the removal, processing and reclamation phases the property will be leveled and reclaimed for the future development of an industrial park appropriate to this zone. Applicants have successfully completed the pre-requisites for applying for a commercial site plan review to operate an aggregate processing facility. 1. an amendment to the Crook County Comprehensive Plan placing the subject property on the Comprehensive Plan inventory for significant mineral resource sites; 2. adopt the ESEE analysis to allow for mining activities, and; 3. designation of the site as a 3C site on the Comprehensive Plan inventory for significant mineral resources. Aggregate mining is an outright permitted use in the H-M, Heavy Industrial zone.

III. ACCESS:

The subject property consisting of two tax lots, 600 and 606, has four existing entrances. All four entrances are gated. The first two are on Lamonta Road on tax lot 606. The Crook County Road Master has issued a letter of TEMPORARY PERMITTED CONTRUCTION ACCESS ROAD CONDITIONS RP-10-0004 stating that the applicant must reapply for permanent access upon temporary expiration date of 02/11/11. Applicant notes that the present locations of the Lamonta Road access gates may change when the subject property is reshaped by mining and designs for the proposed industrial park are completed.

According to the Crook County Road Master the existing access from the western portion of tax lot 606 onto the corner where Elliot Land meets Bus Evans Lane has site distance and grade issues that would need to be addressed for future approval. For now, that existing access has been denied.

The existing access from tax lot 600, the narrow strip to the north of Bus Evans Lane, could be approved with increasing site distance. The applicant concurs with the Road Master that future access would best be located directly across from the City of Prineville Freight Depot. For the present the requested access has been denied.

IV. SITE PLAN APPROVAL CRITERIA FOR INDUSTRIAL USES:

A. 18.72.010 Use Permitted Outright:

In an H-M zone, the following uses and their accessory uses are permitted outright, except as limited by CCC 18.72.030: (19) Quarry, gravel pit, subsurface or surface mining, including crushing, screening and washing of extracted materials.

B. 18.72.030 Use Limitations:

In an H-M zone, the following limitations and standards shall apply to all permitted uses:

(1) No use permitted under the provisions of this chapter that requires a lot area exceeding 9,000 square feet shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision or a lot in a residential zone.

There are no residential platted subdivisions or lots in a residential zone adjacent to the subject property. There are 6 non-farm residences adjacent in an EFU-2 zone. The proposed temporary processing facility does not exceed 9,000 feet.

(2) No use permitted under the provisions of this chapter that generates more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.

There are no residential platted subdivisions or lots in a residential zone adjacent to the subject property.
There are 6 non-farm residences adjacent in an EFU-2 zone.

(3) No use permitted under the provision of this chapter shall be permitted that generates more than 20 automobile-truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector, or other improved street or road designed to serve the industrial use only and does not pass through adjacent residential uses in a duly platted subdivision or residential zone.

The proposed temporary use does not generate the prescribed traffic numbers. There are no residential platted subdivisions or lots in a residential zone adjacent to the subject property. There are 6 non-farm residences adjacent in an EFU-2 zone.

(4) For any use permitted by this chapter on a lot adjacent to or across the street from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) more than 200 feet in the direction of the affected residential use or lot in a residential zone.

Dust and noise will be present and managed on-site. Rock crushers are regulated by DEQ and need to be permitted accordingly.

(5) All parking demand created by any use permitted by this chapter shall be accommodated on the subject premises entirely off street.

(6) No use permitted by this chapter shall require the backing of traffic onto a public or private street or road right-of-way to accommodate ingress or egress to any use on the premises thereof.

The subject property is large enough to manage traffic on-site in order to meet this requirement.

(7) There shall not be more than one ingress and one egress from properties accommodating uses permitted by this chapter per each 300 feet of street frontage or fraction thereof. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.

Entrances onto the site exceed this requirement. Two temporary accesses off of Lamonta Road and one currently temporary off of Bus Evans Road to the narrow parcel of land.

(8) All uses permitted by this chapter shall be screened from abutting residential uses in residential zones by densely planted trees and shrubs or sight-obscuring fencing.

There are no residential platted subdivisions or lots in a residential zone adjacent to the subject property.
There are 6 non-farm residences adjacent in an EFU-2 zone.

(9) No use shall be permitted which has been declared a nuisance by statute or action of the county or by a court of competent jurisdiction; and, for uses requiring contaminant discharge permits, no such use shall be approved by the commission prior to review by the applicable permit reviewing authority nor shall such uses be permitted adjacent to or across the street from a residential use or lot in a duly platted subdivision or residential zone.

No contaminant will be discharged during the day to day operations on this site. There are no residential platted subdivisions or lots in a residential zone adjacent to the subject property. There are 6 non-farm residences adjacent in an EFU-2 zone. The applicant states that all of the above requirements will be met.

C. 18.72.070 Site Design:

In an H-M zone, the site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

D. 18.72.080 Site and Use Criteria:

In the consideration of an application for a proposed use in an H-M zone, the commission shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource-carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the commission shall find that:

- (1) Proposal is in compliance with the comprehensive plan.
- (2) Proposal is in compliance with the intent and provisions of this title and more particularly with this chapter.
- (3) That economic and environmental considerations are in balance.
- (4) That any social, economical, physical or environmental impacts are minimized.

See ESEE analysis

E. 18.72.100 Site Plan Review:

In an H-M zone, a use permitted by CCC 18.72.010 shall be subject to the provisions of this chapter. Before a new building may be constructed or an existing building enlarged or substantially altered, a site development plan shall be submitted to the planning department for approval. Construction and development of the site shall be in conformance with plans approved by the planning department, and the provisions of this chapter, this title, and the comprehensive plan.

Applicant acknowledges that this proposal is unusual in that it is temporary and does not involve the construction of any buildings or permanent structures, however planning approval is required given the scale of the requested change to the subject property. Mining of aggregate is a permitted use.

SUPPLEMENTAL CRITERIA, CHAPTER 18.144. AGGREGATE RESOURCE SITES:

A. 18.144.040 Approval and Review Criteria:

(1) Notwithstanding any provisions in this title to the contrary, an application for a permit for a use listed in CCC 18.144.030 shall be allowed if it meets the following criteria:

- (a) The site must be designated as a mineral or aggregate resource site or an energy source site on an inventory of significant Goal 5 resources in the comprehensive plan;

Comprehensive Plan Amendment AM 10-0009 identifies the subject site as a Goal 5 Resource Site on the Goal 5 Inventory. A geotechnical site evaluation has been completed for the site which indicates that it offers a large quantity of high quality crushable basalt in a readily accessible topographic location.

- (b) The proposed use must be consistent with the applicable ESEE analysis and conditions contained in the comprehensive plan. In the event conditions imposed on the mining use by the comprehensive plan to mitigate mining impacts on specific conflicting uses are less restrictive than conditions necessary to address these same impacts under the standards of this section, the conditions imposed by the comprehensive plan control;

See ESEE analysis

- (c) The proposed use must be shown to not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

Applicant states the proposed temporary mining and processing activities will have no impact on the very small farm properties to the north, east and southwest. The only adjacent agricultural use of any significant size or productivity is located over ¼ mile from the proposed facility. There is no evidence that the proposed use will force a significant change or any change at all.

- (d) The proposed use must be shown to not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

The only substantial accepted farm practices on surrounding lands are those to the southwest of the subject property over ¼ mile from the processing site. The applicant contends that any impacts will be minimal and will not significantly increase costs of accepted farm or forest practices.

- (e) There must be adequate public facilities and services (street capacity, water supply, police protection, fire protection, energy and communications services) available to meet the additional demands created by the proposed use or that can be made available through the orderly and efficient extension or expansion of these facilities and services.

The applicant is considering two different approaches to the processing of the resource site. Depending upon market, contract and demand conditions the resource materials will either: a) be removed from the site as unprocessed aggregate materials and hauled by truck to an off-site plant such as Hooker Creek's O'Neil facility; or b) will be processed on-site for later removal as screened and finished products for use in a variety of projects and locations. Approximately 25% of the material may be processed for use on an adjacent site eliminating the need for the use of public roads for that portion of the hauling. The Applicant's mining plan for the site is anticipated to generate approximately 12-15 truck trips per day or less on average, with peak operating times resulting in approximately 24-29 trips per day over the short intensive periods that material is being hauled to O'Neil.

- (2) An applicant for a use allowed by CCC 18.144.030 may demonstrate that these standards for approval could be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

(3) To the extent compliance with the approval criteria of this section has been determined as part of the identification and resolution of conflicting uses and development of a program to achieve goal compliance in the comprehensive plan, the determination shall be binding until changed by amendment to the plan.

(4) No application shall be approved to allow batching and blending of mineral and aggregate into asphalt cement within two miles of a planted vineyard.

B. 18.144.050 Approval Procedures:

(6) In addition to all information required for a site reclamation plan by DOGAMI, the applicant shall submit the following information:

(a) An application for a site plan approval shall contain suitable maps, drawings and narrative to assure the requirements of this chapter can and will be met. A complete application must contain the following information:

(i) A complete application form from the county.

(ii) A list of known materials to be extracted or processed together with a general description of the excavation operations and the estimated duration of operation at the site.

The applicant has submitted a Construction Aggregate Resource Exploration Report prepared by J. Andrew Siemens, a Professional Geologist along with testing reports prepared by the ODOT testing laboratory in Salem, Oregon. The report includes a complete list of the known materials to be extracted from the site and their anticipated uses. These materials consist primarily of sand and gravel.

A general operations site plan has been prepared and submitted.

(iii) A map of the site which shows existing trees and natural vegetation; existing water courses, including streams, rivers, ponds and lakes; adjacent ownerships, including the location of structures which relate to the setback or other requirements of this zone; and existing and proposed roads.

An aerial map has been included indicating the location of trees and vegetation. There are no water courses within the impact area other than the perennial OLD drainage to the south. There are no impacted rivers, streams, ponds or lakes. Adjacent ownerships are noted on Map Exhibit F. The setbacks and road locations are noted as well.

(iv) A surface water management plan for the site and all phases of the operation.

The proposed mining activity will not generate any surface water. Water run-off from the property is not a current problem. The property is porous and handles large volumes of rainwater. Drainage containment areas will be constructed as part of the future proposed industrial park development as large areas of newly constructed roof and paved roadways will substantially change this. The operator/contractor will construct a lined pond for the collection of wash water in order to insure no runoff onto adjacent properties.

(v) A map which shows the location of the surface mining area, the location of all processing and storage areas, the location of caretaker dwelling (if proposed), landscaping, screening and buffer areas.

A map showing the location of the surface mining area has been submitted. Processing and storage areas, with a stockpile area for sand and gravel will be all located near the center of the property and to the south

of the mined area. A crusher, sorter and washer including conveyors, will be operated in the central portion of the property. Storage of bulldozers, loaders, drills and other equipment will occur near the stockpile area to the north and east of the crusher.

No caretaker dwelling or introduced landscaping is requested on the property. A small temporary structure associated with the weigh scale may be placed adjacent to the scale to protect the scale's electronic equipment.

(vi) A landscape management and maintenance plan adequate to demonstrate compliance with provisions of this zone.

No landscaping is needed or contemplated. Landscaping will occur as the future proposed industrial park is developed. Each mining phase will be re-seeded with a grass mix as specified in the site's DOGAMI permit.

(vii) A map showing existing contours.
Included

(viii) A map or other drawing showing the contours of the site upon completion of the operation together with a description of the proposed end use of the reclaimed site.

A topographic map has been included with the application which identifies the location of the proposed quarry area. The mining activities will result in a change of contour to maximize the flat surface of the parcel in order to maximize the available acreage for the future planned industrial park.

(ix) An environmental report from an engineer or other qualified professional which is adequate to demonstrate that the operation can conform to county, DEQ, and DOGAMI requirements as outlined in the "development standards" section of this zone.

The applicant has provided a report from J. Andrew Siemans, Professional Geologist.

(x) A security plan addressing the following issues:

- (A) Lighting;
- (B) Fencing;
- (C) Gates at access points;
- (D) Water impoundments;
- (E) Sloping; and
- (F) Security of vehicles and equipment.

The security plan calls for maintaining the existing perimeter fencing of the old mill site. The area to the west along the north side of Bus Evans Lane is not fenced, nor will it be fenced. There is a secured gate at Bus Evans Lane entrance. There is a secured gate at the Lamonta Road entrance; however that entrance will not be used often for removal or materials. All equipment is portable and will not be left on the property when the site is not in operation. There will be one water impoundment on the site, constructed by the operator and fully lined for containment. Sloping will not exceed a slope of one to two at any particular time. All vehicles and equipment will be stored within the perimeter fence in the central location of the site.

While the following standards are for EFU 1,2,3 & F1 zones, they are used as guidelines for mining operations in other zones.

C. 18.144.060 Development Standards:

Upon approval of a conditional mining use application, all the following standards apply:

(1) Mining activities shall be located and conducted at least:

(a) One hundred feet from an existing noise or dust sensitive use, unless the owner of the residence or use signs and files an agreement which authorizes the mining to be conducted closer than 100 feet. In no case shall such mining be conducted closer than 50 feet of the boundary of an adjacent ownership.

Processing activities will take place in excess of 500 feet from the property boundary. Unless otherwise authorized by adjacent neighbors the project will maintain a 100 foot setback for materials removal. In the event that a need arises to operate in an area closer than 50 feet, the property owner will file the prerequisite agreement.

(b) One hundred feet from a road not owned by the applicant and from the property line of the applicant unless that distance is not sufficient to protect the adjoining property from land movement, or the threat of land movement. In such cases, the setback shall be the minimum distance required by DOGAMI that will protect the adjoining property from movement or the threat of movement. This setback shall be reviewed and approved by DOGAMI prior to being approved by the hearing authority. In no case shall the setback be less than 100 feet.

The applicant will meet or exceed the required setbacks. The setback from County roads (Lamonta Road to the east and Bus Evans Lane to the west) will be no less than 100 feet, unless a lesser distance of 50 feet is approved by the County per County Ordinance. The area along Bus Evans Lane may be leveled to the north in order to co-join with the adjacent Hooker Creek Property.

(2) Processing of resource material and the storage of equipment shall be at least 500 feet from an existing noise or dust sensitive use, unless the owner of the residence or use signs and files an agreement which authorizes the processing of resource material or storage of equipment closer than 500 feet. In no case shall such activities be located closer than 100 feet from any adjacent dwellings.

All processing and equipment storage will be in the central portion of the property. There are no residences within 500 feet of the process facility or equipment storage area. There are no dwellings within 100 feet of the resource.

(3) Access. All private roads from mining sites to public highways, roads or streets shall be paved or graveled. All on-site roads and access roads from the site to a public road shall be designed, constructed, and maintained to accommodate the vehicles and equipment which use them. Whether paved or graveled, the roads shall be maintained by the applicant in accordance with county road standards. Before the applicant may exercise the privileges of the permit, the applicant shall provide a letter of agreement to the county to maintain the road to the applicable county road standards. If the applicant fails to provide the letter of agreement prior to exercising the privileges of the permit, or fails to so maintain the road, the applicant shall submit a performance bond equal to 100 percent of the cost to construct a road of that type. The bond shall be deposited with the treasurer of the county.

The applicant will use existing private roadways and gateways on the property for the movement of vehicles, equipment and materials. The roadway will be suitable for the use for which it is intended.

- (4) Effective vehicle barriers or gates shall be required at all access points to the site.

Existing lockable gates secure the property.

(5) Screening. Unless inconsistent with the conditions imposed to protect conflicting uses under the comprehensive plan, or of minimal value of effectiveness because of topography or other site features, the following requirements apply to the mining or resource site:

- (a) Berms, fencing or vegetation shall be maintained or established to block the view of the mining or resource site from conflicting uses;
- (b) To the extent feasible, all natural vegetation and trees located within 100 feet of the mining site and that block the view of the mining area shall be preserved and fences maintained for the purpose of screening the operation.

There are few trees on the existing mill site. It is the specific goal of the applicant to preserve as much of the available tree screening as possible. Based on these considerations, the applicant believes that these standards have been satisfied.

- (6) No alteration or removal of riparian vegetation located within 100 feet of the banks of a year-round stream shall occur.

The quarry site is not within 100 feet of any year-round stream or riparian area of any kind.

(7) Mining, storage, and processing operations shall conform to all standards of the Department of Environmental Quality and to the requirements of the Department of Geology and Mineral Industries (DOGAMI). The county may require information, data and analyses which demonstrates the ability to meet state environmental standards.

The applicant will obtain all necessary permits from DOGAMI prior to commencing operations and will conform to all applicable standards of the DEQ a continuing operating condition.

(8) Hours of Operation. All mining extraction, processing and equipment operation shall be subject to the following limitations unless waivers authorize operation at other times:

- (a) June 1st through October 31st: 6:00 a.m. to 9:00 p.m., Monday through Friday. 8:00 a.m. to 5:00 p.m., Saturday.
- (b) November 1st through May 31st: 7:00 a.m. to 6:00 p.m., Monday through Friday. 8:00 a.m. to 5:00 p.m., Saturday.
- (c) No operations shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

Applicant will operate the mine only in accordance with these hour and day restrictions.

(9) Blasting.

- (a) A plan addressing the potential for earth movement, flying rock, and other effects on surrounding uses shall be submitted.

Blasting is not an essential part of the proposed mining operation.

- (b) Blasting shall be allowed unless prohibited by the comprehensive plan ESEE analysis.

The ESEE analysis for the site should not prohibit blasting, as it might need to occur in the future in the unlikely event that restrictive layers occur. The geotechnical report indicates that this is highly unlikely.

(c) Blasting which is allowed and which is not to be conducted within 500 feet of any noise or dust sensitive use or agricultural use involving the raising of animals shall meet the following standards:

(i) DEQ noise control standards for blasting.

(ii) Blasting shall be restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays or legal holidays.

(iii) The operator shall be responsible for notifying the owners and inhabitants of conflicting uses located within 500 feet of the blasting site by written notice delivered by certified mail to be received by each person entitled to notice at least 48 hours prior to the time the blasting will occur.

In the unlikely event that blasting is ever needed the applicant will take all steps required by ordinance and DEQ regulations prior to blasting, including delivery of certified mail to all owners of protected uses within 500 feet.

(10) Surface and Ground Water Management. Surface water shall be managed to provide protection against ground or surface water contamination and sediment discharge into streams, rivers and lakes. There shall also be adequate water available to the site for reclamation of the property, maintenance of screening and buffer, dust control, landscape maintenance, and processing of materials.

Surface water, runoff from snowmelt and rainwater drains onto the subject property. Applicant states that very little, if any runs off of it. There is a old mill pond on the south side of the property which is slowly being filled in (by permit) with road construction debris. The City of Prineville⁴ is responsible for that fill and that permit. The property is very porous and absorbs the surface water. A temporary wash pond will be constructed and lined for the temporary purpose. The applicant will utilize water from the on-site well as needed.

(11) For surface mining, which is not regulated by DOGAMI, the following requirements apply:

(a) A reclamation plan shall be submitted to the county at the time of site plan approval. The reclamation plan shall assure that the surface mining site will be restored or rehabilitated consistent with the requirements of the ESEE analysis.

(b) Upon abandonment of surface mining or termination of mineral extraction on each site, all buildings, vehicles, machinery, equipment and appurtenant structures accessory to the extraction, processing, stockpiling and manufacturing operations shall be removed from the site, except for buildings and structures which are permitted uses within the applicable zoning district.

(c) All excavations shall be backfilled, contoured, sloped, or terraced as outlined in the approved reclamation plan. Topsoil shall be replaced to a depth sufficient to allow a landscaping material to be installed.

(d) In the event the owner does not comply with the approved reclamation plan, the board may undertake, or cause to be undertaken, the required restoration or rehabilitation, and the chargeable cost therefore, if not paid by the owner, shall become a lien on the property due and payable taxes.

(12) All mining operations shall be subject to the dimensional standards, yard restrictions, sign limitations and all other substantive standards set out in the zoning district applicable to the property.

Mining will occur on the site in accordance with the applicable provisions of its zone.

OREGON ADMINISTRATIVE RULES:

**OAR Chapter 660, Division 12, Transportation Planning
660-12-060, Plan and Land Use Regulation Amendment:**

1. Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that the allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:
 - a. Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;
 - b. Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or
 - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other models.
2. A plan or land use regulation amendment significantly affects a transportation facility if it:
 - a. Changes the functional classification of an existing or planned transportation facility;
 - b. Changes standards implementing a functional classification system;
 - c. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - d. Would reduce the level of service of the facility below minimum acceptable level identified in the TSP.
3. Determinations under section (1) and (2) of this rule shall be coordinated with affected transportation facility and service providers and other affected local government.

Mining activities on the subject property should generate no more than 24-29 trips per day during peak removal periods and no more than 5-10 trips per day on average. This level of traffic is temporary and will not change the functional classification of local or collector roads.

PUBLIC COMMENT / TESTIMONY RECEIVED

Written notice was sent to agencies, organizations and property owners within 250' of the subject land use application. – See "Commission / Staff Discussion"

COMMISSION / STAFF DISCUSSION

Planning Director Zelenka stated that the applicant proposes to level the site to prepare for industrial development in the future, and that the site had been placed on the Inventory at a previous hearing. He said that processing on the site will take place more than 500 feet from the property line. He said that the applicant was involved in a boundary dispute with neighboring property owners, but was willing to negotiate with them. Zelenka stated that a proposed settlement of the issue would involve the applicant granting land to the neighbors in exchange for their consenting to reduce the minimum setback from their property lines for excavation from 100 feet to 50 feet. He said that the Commission must review the proposal and consider its impact on area land uses. He said that mining is permitted outright in the H-M zone, but that the application is being heard by the Commission because of historical precedent.

Sundell asked where the disputed boundary was located on the map.

Zelenka said that it was located on the north side of the property. He said that the property had been purchased by Pine Products under two separate deeds, and had purchased an additional 60 feet to the north which was a part of an unrecorded subdivision plat. He said that the witness point for the survey of the boundary was located to the south. He said that the County had paved Sunset Lane in an incorrect location, and that property owners had located two fences incorrectly on the basis of the road location. He said that there had been no adverse possession action in Circuit Court, but that the boundary was now being disputed.

Bauer stated that the location of the disputed boundary would affect the setbacks for the proposed operation.

Zelenka said that a survey during the early 1970's had disclosed the error in the road location, but that no action to correct the situation had been taken at that time.

Sundell asked if there was presently an agreement between the applicant and the neighbors. Zelenka said that the applicant's representative would provide information on that matter.

Craig Kilpatrick testified on behalf of the applicant. He stated that he intended to discuss the merits of the proposed mining and processing operation, but that the boundary dispute was a civil matter which was in other hands. He said that the dispute was not germane to the application except as it affects the setbacks for the operation. He said that the Commission could approve the operation on the basis of setbacks from the existing boundary, and that the setbacks could be modified later without another hearing if an agreement is concluded with the neighbors. He stated that two things had changed since the application was filed, and referred the Commissioners to pages 10 and 15 of the Burden of Proof Statement.

Zelenka pointed out that the Commissioners did not have copies of the Burden of Proof Statement.

Kilpatrick said that he would then refer to the staff report site plan approval criteria dealing with the requirement for the presence of adequate public services. He said that at the time the application was submitted, the applicant had definitely planned to process material onsite, and had identified a possible work area. He said that there was now a possibility that the applicant would contract with Hooker Creek for processing, and that the unprocessed material would be hauled offsite for processing elsewhere.

Bedortha asked if the trucks would exit through the adjoining Hooker Creek property.

Kilpatrick said that the applicants had applied for four accesses to the property, but that the County Roadmaster had denied two of these accesses on the west side of the property, and that there were limited options to appeal this decision. He said that the issue would have to be decided in court. He said that the Roadmaster had given temporary approval for the two accesses on the other side, but that the applicant did not want to decide on permanent access until industrial development takes place. He said that the Roadmaster had denied access permits on the basis of sight distance and a traffic speed of 45 miles per hour, which the applicant did not think is appropriate. Kilpatrick said that there are no speed signs on the road.

Zelenka said that the current access to the property is at one of the denied locations. He said that Bus Evans Road was a gravel road until the mid-1990's, when it was paved. He said that the road was formerly used only by Pine Products, and that an ODOT access permit was issued two years ago. He said

that Bus Evans is now a County road, and is used by Woodward's log trucks. He said that the Roadmaster has a valid concern and cannot approve use of the accesses in the current state, but that access can be granted if improvements are made.

Zelenka said that trucks from other sites are now using Bus Evans Road, and the applicant's trucks cannot be accommodated until improvements are made.

Weberg asked if the applicant's property can be accessed through the Hooker Creek property.

Zelenka said that is on the other side of the road.

Bedortha asked if the road was always used heavily.

Zelenka said that it was not.

Kilpatrick said that the denied access is now used by Hooker Creek trucks. He said that the logical entrance to the property is across from the freight yard. He said that the entire area once belonged to the applicant, who gave property to the City, but that the Roadmaster is now demanding that the applicant pay for road improvements.

Zelenka said that the applicant did not give property to the City, but that the City purchased it. He said that there is now more traffic than there was ten years ago. He said that changes to access must conform to current standards. He said that the Planning Commission cannot overrule the Roadmaster on access permits, but must help to find a solution to the problem.

Kilpatrick said that the applicant had not gotten a fair hearing on the access issue.

Stec asked about the location of the access which was being discussed, and Kilpatrick showed it to her on a map.

Kilpatrick said that the applicant had been asked by the County Court to settle the property line issue with the adjoining landowners. He said that he had gotten an estimate of \$4000 per person for a survey, but would not expect the neighbors to pay that much. He said that the applicant was prepared to share the survey cost with the neighbors and give them the land to correct the boundary, in exchange for their agreeing to a 50 foot setback for excavation rather than a 100 foot setback. He said that letters had been sent to the neighbors on June 3, but responses had not yet been received.

Weberg asked about operating hours.

Kilpatrick said that they would operate during the standard hours.

Weberg said that he wanted to discuss that issue later.

Bedortha asked about the relationship of the fences to the property line. Kilpatrick showed him where they were.

Bedortha asked if there was already aggregate mining in the area.

Zelenka said that there was, but that the applicant's property had not been used for mining. He said that residences are located in the area. He said that resolution of the boundary dispute would determine where mining can take place.

Bedortha asked about Goal 5 requirements, and Zelenka explained.

Bauer said that the setback is the issue. She said that the Commission cannot negotiate the boundary dispute.

Gowen opened the hearing to public testimony.

Diana White testified concerning the proposal. She said that represented Betty Hennon's, from whom she rents property. White said that Hennon's land is in farm use. She said that she agreed that Sunset lane is in the wrong location. She said that the applicant was offering to convey land to Hennon if she didn't object to the quarry. White said that the applicant is proposing to excavate 33 feet from the new property line, rather than 50 feet.

Gowen informed White that the boundary dispute was not before the Commission.

White repeated that the applicant wanted to excavate 33 feet from the new property line.

Zelenka pointed out that if a 2-1 slope is used the excavation will be further from the property line than 33 feet. He asked White if she was objecting to the distance.

White said that the excavation would result in noise and dust 33 feet from the property line.

Bedortha asked if this issue could be addressed through conditions.

Bauer explained the setback requirements.

Bedortha commented that there can be no excavation until the boundary dispute is resolved.

Bauer said that the application can be approved with the condition that an agreement be concluded.

Zelenka said that it is crucial that the boundary dispute be settled.

Bedortha asked if a two-part condition can be imposed.

Zelenka said that the County Court has agreed to pay for the survey work if the dispute is settled.

White said that the distance of the excavation from the property line is an issue.

Weberg asked how far off the property line is.

Zelenka said that it is off by twenty-seven and one-half feet.

Zelenka said that the issue is what everyone involved in the dispute gives and gets.

Stec asked if the Commission could impose a 50 foot setback from the existing boundary.

Gowen said that could be discussed.

Margaret Mackie testified in opposition to the proposal. She said that she had formerly worked for the applicant as a security officer. She said that at that time the applicant had thought that the fence line was on the boundary. She said that she wanted to know if the rock crusher would be temporary or permanent. She said that she had lived close to a rock crusher, and the noise level was very high. She said that the noise was above the DEQ limit, and was louder than the noise in a mill where she had worked. She said that the applicant had operated an electricity generating plant in the area which had been shut down by the DEQ due to noise, but that it was less noisy than a rock crusher. She said that she is concerned about the impact on residences in the area, and that it would make residences unsaleable. She said that there would be a noise problem on the other side of Sunset Lane and Lamonta Road. She said that she wants a definite ending date for the operation to be imposed, since "temporary" means nothing.

Mackie said that there would be a problem with traffic. She said that the school bus stops at the top and the bottom of the hill. She said that there would be congestion.

Mackie said that she wants the rock crusher and the access to be located at the other end of the property. She said that the operation would disrupt a creek in the area which provides water to domestic wells. She said that there are more issues than the setbacks. She said that if you use land for ten years, the land is yours. She said that she has lived there for forty years. She said that the problem was created by the County. She said that people have drain fields and water lines in the 27 foot boundary area. She asked why the applicant wants the land, and said that there is just dirt there rather than rock.

Sundell asked if there would still be a noise problem if the rock crusher was located 150 feet from the property line.

Mackie said there would still be a noise problem in that case. She said that there would not be a problem if it is over by the concrete place. She said that there used to be a mountain there, but they took it down and ran a rock crusher. She said that the trucks should exit the property out by Elliott Lane. She said that there are seven houses across Lamonta Road which be affected by the rock crusher. She said that she does not want the noise.

Doris Sitzman testified in opposition to the proposal. She said that she agreed with Mackie. She said that she disagrees with the statement that there is no residential property in the area. She said that her children planted two trees five feet from a barbed wire fence on the boundary in 1964, but that the trees are now on the applicant's side of the present fence. She said that her property is 445 feet across, and that she has had the deed since 1962. She said this will be the third time the fence has been moved.

Gowen informed Sitzman that the boundary dispute was not before the Commission.

Sitzman said that four people in the area, including her husband, have bad hearts and their condition is being aggravated by the proposal. She said that there was a verbal agreement regarding the use of the road. She said that this will be the third change to the property line, and that noise, dust, and property values are areas of concern.

Zelenka pointed out that the statement in the staff report regarding residential lands is accurate. He said that there are residences in the area, but they are not in a residential zone or a residential subdivision, as

stated by the ordinance. He said that the legal description of the property has never been changed, but that it has never been adhered to. He said that the County is willing to help, but the property owners must resolve the issue.

Steve Stafford testified in opposition to the proposal. He said that he is buying land from Hanna. He said that the application should not be approved until the boundary dispute is settled.

Gowen said that the application is being heard at the applicant's request, and that the Commission cannot settle the boundary dispute.

Stafford said that the rock should be crushed on the Hooker Creek property.

Craig Kilpatrick testified in rebuttal. He stated that the applicant is open to moving the crusher site further to the west, as suggested by Mackie. He said that the aggregate may be transported offsite and processed outside the area. He said that the operation would be an aggregate rather than a basalt pit, and crushing would be limited in any case. He pointed out that the mining site to the west does not belong to the applicant, and that there is no room for processing equipment on the other side of the road.

Bedortha pointed out that the Roadmaster will not permit access by Elliott Lane.

Zelenka said that is just the present situation.

Kilpatrick said that the applicant is not willing to pay for the road improvements requested by the Roadmaster.

Gowen asked about the equipment location.

Kilpatrick said that the applicant is prepared to move it to the west.

Bedortha said that it could be moved closer to Elliott Lane, if access there could be obtained.

Sundell asked if there was a condition that the operation be only for the purpose of leveling the site.

Kilpatrick said that was the case. He said that a five-year limit would be imposed.

Sundell asked if the operation would take five years.

Kilpatrick said that it would not take five years. He said that it might take two years.

Zelenka pointed out that no permits would be required for excavation or crushing if all of the material was retained onsite.

Commissioner Crafton asked why the Road Department could not issue a temporary access permit.

Zelenka said that negotiations between the applicant and the Road Department had broken down, and a temporary permit had not been discussed.

Weberg asked if the Commission had previously approved the site, but not the proposed operation.

Zelenka said that was the case.

Weberg asked what the slope would be.

Kilpatrick said it would be 2-1.

Weberg asked how road damage can be discussed when the road is used by other parties.

Kilpatrick said that he would not discuss it.

Weberg asked about operating hours.

Kilpatrick said that the Commission could impose hours, and the applicant would conform to them. He asked if the Commissioners could make recommendations. He said that hours could be varied seasonally in accordance with daylight.

Bedortha asked if there are standard operating hours.

Zelenka said that they vary between operations. He said that most aggregate operations are further away from developed areas.

Weberg asked about hours of rock crushing.

Kilpatrick said that offsite crushing by Hooker Creek was the applicant's first choice. He said that Hooker Creek's equipment could work faster than the portable crusher that would be used onsite. He said that he could not promise that crushing would not take place onsite, if Hooker Creek could not do the work.

Weberg pointed out that there is a critical livability issue.

Bedortha stated that the Pine Products mill was there before the residences.

Zelenka confirmed that was the case.

Kilpatrick said that the first resident in the area was an employee of the mill, and walked to work.

Bedortha asked if all of the property issues would be resolved on both sides of Sunset Lane.

Zelenka said that the County will do everything possible to resolve the issues. He said that the senior rights belonged to Pine Products, and the junior rights belonged to the residential property owners. He said that the County might relinquish Sunset Lane, and permit the property owners to control it as a private road. He said that the Commission cannot decide this issue, but can decide on setbacks.

Weberg asked how far Sunset Lane extends.

Zelenka said that most of the properties are located on Sunset Lane.

Crafton said that the Commission must decide on setbacks.

Zelenka said that approval must be based on a boundary location to be negotiated.

Bauer said that setbacks must be based on the legal boundary if an agreement is not concluded.

Bedortha pointed out that the setback must be 100 feet from the legal property line if there is no agreement.

Sundell asked if that would be the case unless the applicant could negotiate a lesser setback with the neighbors.

Bauer said that was the case.

Bedortha asked if the matter would come back to the Commission.

Zelenka said that it would not.

Sundell asked if noise was regulated by the DEQ.

Zelenka said that it is. He said that the DEQ regulates processing.

The Commission discussed days and hours of operation. Zelenka pointed out that Sunday operations are not permitted. Bedortha suggested that Saturday operations be prohibited as well, and there was general agreement on this.

Weberg said that he wanted to limit truck traffic hours.

Zelenka pointed out that this cannot be done in an industrial zone.

Zelenka listed the points which must be covered by the decision.

Stec moved for approval with the following conditions:

Working days to be Monday – Friday, with no weekend operations.

Working hours to be 8:00 a.m. - 5:00 p.m. April 1 through September 30;
8:00 a.m. – 3:00 p.m. October 1 through March 31.

Minimum setbacks for excavation to be 100 feet from residential property lines and 50 feet from other property lines, unless reduction of minimum setbacks to 50 feet from residential property lines is agreed to by residential property owners.

Minimum setbacks for rock crushing to be 500 feet from residential property lines and 50 feet from other property lines.

The site has been placed on the Goal 5 Inventory.

Access to be as approved by the Crook County Roadmaster.

Bedortha seconded the motion.

The Commissioners approved the motion by a vote of 6-0.

COMMISSION DECISION

Stec moved for approval with the following conditions:

Working days to be Monday – Friday, with no weekend operations.

Working hours to be 8:00 a.m. - 5:00 p.m. April 1 through September 30;
8:00 a.m. – 3:00 p.m. October 1 through March 31.

Minimum setbacks for excavation to be 100 feet from residential property lines and 50 feet from other property lines, unless reduction of minimum setbacks to 50 feet from residential property lines is agreed to by residential property owners.

Minimum setbacks for rock crushing to be 500 feet from residential property lines and 50 feet from other property lines.

The site has been placed on the Goal 5 Inventory.

Access to be as approved by the Crook County Roadmaster.

Bedortha seconded the motion.

The Commissioners approved the motion by a vote of 6-0.

CONDITIONS AND REQUIREMENTS

The subject application is hereby approved subject to the following conditions and requirements:

(1) The Commission recommendation to the Crook County Court on Comprehensive Plan Amendment application AM-10-0009 is hereby referenced.

(2) All requirements of the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Environmental Quality (DEQ) are to be adhered to.

(3) All requirements of Chapters 18.144 of the Crook County Code are to be adhered to.

(4) Days of operation are to be Monday – Friday, with no weekend operations. Hours of operation are to be 8:00 a.m. - 5:00 p.m. April 1 through September 30; 8:00 a.m. – 3:00 p.m. October 1 through March 31.

(5) Minimum setbacks for excavation are to be 100 feet from residential property lines and 50 feet from other property lines. The minimum setback may be reduced to 50 feet from the residential property lines if the residential property owners sign and file an agreement which authorizes the mining to be conducted

closer.

(6) Minimum setbacks for rock crushing/aggregate processing are to be 500 feet from residential property lines. The rock crusher may be moved to a location that will have less impact on residential properties. However the rock crusher shall not be located within the proposed quarry site or within 50 feet of property zone heavy industrial.

(7) Access to the site is to be in accordance with C-RP-10-004. Access to the site may be modified in accordance with any Road approach permit approved and issued by the County for the site.



W.R. Gowen, Commission Chairman



William P. Zelenka, Planning Director

NOTICE TO PERSONS PROVIDING TESTIMONY

The above approval may be appealed in writing to the Crook County Court no later than 5:00 p.m. on **July 28, 2010** on payment of an appeal fee of \$1850.00 + 20% of the initial application fee. The appellant must also provide transcripts of the relevant meeting tapes at the appellant's expense.

Appeals must be submitted to the Crook County Planning Department, 300 NE Third Street, Prineville, Oregon; and must be received, together with the appeal fee and advance deposit, by the Planning Department no later than the above time and date.

STAFF EXHIBITS:

- (1) Temporary Road Access/Permits**
- (2) Assessor's Map**
- (3) Existing Property Map**
- (4) Proposed Quarry Site Maps**
- (5) Surveyor's Drawings Maps**
- (6) Surrounding Zones/Owners Map**
- (7) Site Photos**